

Naked Bible Podcast Transcript

Episode 291

Exodus 21-23, Part 2

September 28, 2019

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Episode Summary

This episode follows Part 1 of our brief exploration of the “Book of the Covenant”—the laws in Exodus 21-23 that follow the Ten Commandments. These laws are applications within ancient Israelite culture of the absolute, enduring principles expressed by the Ten Commandments. Part 1 dealt with why that is indeed the case. In this episode we offer commentary on select laws within the Book of the Covenant to show how they link back to the Ten Commandments.

Transcript

TS: Welcome to the Naked Bible Podcast, Episode 291: Exodus 21-23, Part 2. I’m the layman, Trey Stricklin, and he’s the scholar, Dr. Michael Heiser. Hey, Mike. How are you?

MH: Pretty good. We’re a couple of weeks into the season now, Trey. How are you doing?

TS: Not too good, Mike. I’m still looking for my first win. And you?

MH: [laughs] Well, I got one.

TS: Yeah?

MH: You know, Tim, the defending champion. His team’s looking good. He’s 2-0, at least at the time we’re recording this. I play him next, so hopefully he’ll have a bad week. [laughs]

TS: Yeah, hopefully. Well, his Georgia Tech team’s not having a good year either, so at least I can hold that over him...

MH: Yeah, I don’t follow college football. I can’t rub it in.

TS: Since you’re moving to Jacksonville, how do you like Mincshew, the new quarterback?

MH: I watched him in that Thursday night game. Yeah! He doesn't look like a rookie, so that's good. I think they'll do fine with him.

TS: I love his look. You're going to have to grow a mustache.

MH: Yeah, I can't figure out the mustache thing. Because Aaron Rogers had a mustache for years. What's the difference?

TS: It's funny. It's just funny. That's all it is.

MH: Maybe it's just because he's a goofball or something.

TS: Yeah, that's what it is.

MH: I don't see any visual difference. You know what ought to happen is when Nick Foles comes back to the line-up, he should have a mustache. [TS laughs] Go out to the field...

TS: Do you think you'll check out some games when you move there?

MH: Yeah, I'm sure we'll go to at least one. I've been to a game. There are some people at the church who played for the Jags in years past who have connections there. So I'm sure we'll go to a game at some point.

TS: I think I said it before in the show, I've actually been to a game there, and I got to see Barry Sanders run his last year there. So that place is special to me because I at least got to see Barry Sanders live.

MH: Yeah, really. Now people are like, "Okay, enough with the sports talk." But we've had encouragement there, Trey. Why don't you just drop this on our audience?

TS: Yeah, I know! I'll give Jared a shoutout. He's a new listener who came over from the Bible Project. He sent us some encouragement. He's a football fan himself. So he said it helps. It humanizes the show, in his opinion. [laughs] So here you go, Mike. We have at least one... There have been others, don't get me wrong.

MH: It's nice to know that what we do here is either de-humanizing or non-human or robotic or something like that. That's good.

TS: I guarantee you, we're probably the only in-depth Bible study podcast that talk about sports news.

MH: If that's the point, I can accept that. [laughs]

TS: We appreciate Jared listening to us now, and everybody who sends me an email. I apologize. I can't get to everybody. I get so many emails now.

MH: Yeah, that one drew your attention. [laughs]

TS: Yeah. Absolutely. Don't get me wrong. I try to read all of them, and especially when someone mentions football, that sticks with me. Thanks, Jared.

MH: There ya go.

TS: Absolutely. Alright, Mike, well, we're wrapping up!

MH: Exodus 21-23 may not be as interesting as football, but here we go.

TS: It's alright. So this is the last... Part 2, right? There are only going to be two parts of the laws?

MH: Yep, just two parts on the Book of the Covenant. This is Part 2. There will not be a Part 3; we'll be moving on. I remember last time we said it's time to do a Q&A. So this will be it for the Book of the Covenant.

Alright, as I hinted last time (in Part 1), what we're going to do is just cherry-pick our way through Exodus 21-23, stopping, of course, at the point where God has his conversation with Moses about the angel that he's going to send before the Israelites into the land. So that's where we'll pick up in Exodus after this. But as far as just picking our way through this, that's going to be our method. We could be here for several weeks (even a month) if we paused on all the laws, and I'm not going to do that. Because our method here isn't verse-by-verse strictly anyway. It's just stuff that I think is interesting. But if you haven't listened to Part 1, you need to. We made the point that this whole section has given scholars a lot of trouble because a lot of things in it don't seem to be interrelated to each other, or seem to be contradicted in other parts of the Torah. We talked about why that is. Essentially, this is a section that applies principles from the Decalogue (the Ten Commandments). And that's what I want to do this time. I'm going to pick out a few examples. We'll talk about what they mean, but more importantly, how they riff off of something in the Decalogue.

So to open here in Exodus 21, the first six verses... I'm not going to say much of anything about the first six verses because we actually talked about this passage (Exodus 21:1-6) in an earlier episode, specifically in relation to the myth that the *elohim* of passages like Psalm 82 were just men. That was episode 249. You might ask what that has to do with Exodus 21. Well, it does. I'll tell you a little bit about that here in a second. But also Exodus 22:7-9 is looped into that discussion. So when we hit Exodus 22:7-9 we're not going to stop there either. The issue in Exodus 21... And there's a parallel to this in Exodus 22—that

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section. The issue is in verse 6 where... Exodus 21:1-6 is when the slave of the house wants to join the household. It's the whole thing, "I love my master, my wife, and my children. I don't want to go free." So the master brings him to *elohim* in verse 6.

⁶ then his master shall bring him to [*elohim*], and he shall bring him to the door or the doorpost. And his master shall bore his ear through with an awl, and he shall be his slave forever.

Well, people who want the *elohim* in Psalm 82 will say that that verse (Exodus 21:6) means that the master will bring him to the gods (plural), in other words, the Israelite judges. But of course, the passage never says that. And as we noted earlier in this series and episode 249, the judges of Israel are never called *elohim* in any passage of the Bible, period. So this is something that has to be made up and inserted into the narrative. The issue is a little more complicated when you look at the parallel passage of the slave who wants to join the household in Deuteronomy. Because in that passage, the part about bringing him (the slave) to *elohim* is omitted. In episode 249, we asked why. Why would you do that? If the reference is to God (singular, capital G), why take God out of the picture? It doesn't make any sense. If it's to human judges (which, of course, it isn't, but let's pretend), why would you take *them* out? That doesn't make any sense either.

The answer (as we talked about in episode 249) is something Cyrus Gordon published years ago, that the writer of Deuteronomy (or at least this passage) writing in the 8th century or so... Again, I'm not a JEDP guy, but there are differences of date in passages within the Torah, which we've talked about. And a number of times we've actually illustrated a few. Part 1 of this particular section of Exodus was more of the same in that regard. But if he's writing in the 8th century, he omitted the *elohim* apparently because the term *elohim* could have been construed as plural and a reference to household ancestors (the dead), in which case the writer may have feared people would make images to the ancestors or otherwise drift into idolatry. And by the way, in the Exodus passage (the Deuteronomy passage is where this is omitted) you can read it that way, too: "Then his master shall bring him to *elohim* [the ancestors of the household]." But Exodus doesn't have the same problematic historical background as Deuteronomy, presuming the passage is 8th century or so, which is when Israel was caught in idolatry and it had to have reforms under kings like Josiah.

Now I tend to think the household ancestors are in view in both passages. I think that's coherent. In Exodus, you could certainly have it be God (with a capital G), but it's very workable with household ancestors in both passages. It's not a hill I'd die on, but this law would be an extension... If that's the case, this case law (Exodus 21:1-6) would be an extension of honoring your father and your mother. That's how it would connect to the Decalogue. The approval of your ancestors is

needed for an outsider to join the family. There's a ritual of approval here, as it were.

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Now Gordon's explanation that the *elohim* here are the household ancestors (deceased family members) has 1 Samuel 28 in mind. This is where *elohim* refers to the disembodied human dead, which is a very common usage of the term *elohim* in the ancient Near East. So this makes good sense. *Elohim* is... I talk about it in *Unseen Realm* a lot. We've done a number of episodes... Episode 249 is the one to go to. *Elohim* is any being by nature that is a disembodied member of the spiritual world. That's why *elohim* as a term is applied to the disembodied human dead in 1 Samuel 28 and presumably (or potentially) here. Incidentally, this is also good evidence that the Israelites didn't believe in soul sleep and didn't deny an afterlife. If they're doing this (bringing the slave to puncture his ear on the doorpost of the house and they're bringing him before the *elohim*, in other words their dear, departed loved ones), this would make a lot of sense, both in the cultural context, in the context of 1 Samuel 28 (which, by the way, would have been written at the same time as the passage in Deuteronomy if that section is late). It makes good sense. And this is not in and of itself a bad thing.

We listen to that and think, "What?! The Israelites are still thinking their dead loved ones are alive and they're doing ceremonies to honor them?!" Yeah. And you know what, listener? You do too. This is why you put flowers at a grave. This is why you visit a grave and talk to the deceased. Because you assume that the person is still around, still alive. I mean, they're not *bodily* alive. And this is the same kind of thing. Why do we do nice things for the dead? It's to honor them, whether it's putting a stuffed animal at a grave or flowers or cards or whatever. We have this assumption that we're being watched or that the departed person will know what's going on and appreciate it. This is just normal stuff. It's very normal. It's not idolatry or anything like that. You could bring up the teraphim. We talked about teraphim in other episodes, including, I believe, episode 249. But the teraphim were figurines. They're in several biblical passages. In the context of a couple of those, they could be human in appearance. Even if they're figurines of the dead, that doesn't mean they're being worshipped. The Old Testament equivalent of having pictures of dead loved ones are the teraphim. They don't have cameras. But they can make images and keep them around the house to remind them of their ancestors. This is part of what they're thinking. It's very human behavior. It's not necessarily anything forbidden. It *could* cross a line, for sure, especially in Old Testament culture. So the writer of Deuteronomy might have had the jitters, because, "Hey, we just lived through a few decades, maybe a couple of centuries, of idolatry. And God hates this. So we need to nip this in the bud and go the extra mile." Like Gordon argues, it's conceivable that they could have taken the word *elohim* out because of this fear. So it's not a necessary conclusion that people would take, but the writer might have jitters. In context, especially if that is the context (Israelite apostasy after the monarchy

splits up), it makes a lot of sense. But that's Exodus 21:1-6. If you want the detailed information, listen to episode 249.

So if we go to beyond that (7-11)... I'm just going to read sections of this. So we have:

⁷“When a man sells his daughter as a slave, she shall not go out as the male slaves do. ⁸If she does not please her master, who has designated her for himself, then he shall let her be redeemed. He shall have no right to sell her to a foreign people, since he has broken faith with her. ⁹If he designates her for his son, he shall deal with her as with a daughter. ¹⁰If he takes another wife to himself, he shall not diminish her food, her clothing, or her marital rights. ¹¹And if he does not do these three things for her, she shall go out for nothing, without payment of money.

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Now ultimately, what this is about is truth-telling and really, conceivably, theft. You say, “How?” Because the guy either sells his daughter as a slave, as a servant, to some other household, or whatever the circumstance would be... We're not told what it is. If that daughter doesn't please the master, the master can't just kick her out with nothing. She has no way to sustain herself. She's allowed to be redeemed. The money that was paid out in exchange for her (there's this concept of a dowry) would either be given back to her or her father (if she's brought back into his home). In some way, she's going to be taken care of because the guy promised to support her. There was a dowry exchanged here, so he can't just renege on that. There's an issue of theft. There's also an issue of truth-telling, that he said he would honor this agreement and protect her and keep her. And if he designated her for his son (let's say the guy buys this girl with the intent that he's going to give the girl to marry his son) then he's supposed to deal with her like he would his own daughter. She's to be taken care of. Yes, it's a patriarchal society. Yes, it's primitive by our standards—all those things. I get it. But we need to look beyond this, that these passages aren't endorsing doing this today because we don't live in a theocracy. The theocracy, by definition, was planned obsolescence. If you're paying any attention at all to salvation history in biblical theology from one end of the Bible to the other (Genesis to Revelation), you know that even in Genesis you are taught that, ultimately, the theocratic state that will come later is not designed to be permanent. Everything is supposed to go back to the way it was in Eden, where you have equality. God wants people in his family. The ground is level there. All that sort of thing. An Edenic world. This is where things are supposed to go back after the fall and after the three rebellions in Genesis 1-11 that take place to corrupt humanity and assist humanity in its own self-destruction. That's not supposed to be cured by the theocracy. The theocracy is a way station. It's a stopping point along the way. It's a temporary situation.

So we don't have here a contradiction of that idea. And we know it would be a contradiction because we're reading the rest of the Bible. We're reading beyond the book of Exodus here or the Torah. We know the rest of the story. So you do have issues here of truth-telling and avoiding theft. You don't take this money and not give it back. You don't renege support. This is the point to Exodus 21:7-11. That's what we're supposed to go away with. We're not supposed to do as some evangelicals have done which is rather silly (I think "silly" is the nice word for it) and pretend, like, "Oh, Bible believing Christianity, we're supposed to do this stuff now. Sell each other and be polygamous." Look, if you think that way, you're close to being biblically illiterate. Let's just leave it there. So we keep reading from verse 12:

¹² "Whoever strikes a man so that he dies shall be put to death. ¹³ But if he did not lie in wait for him [MH: this sets up an accident circumstance— something unintentional], but God let him fall into his hand [MH: so maybe this person was deserving of getting a punch in the nose], then I will appoint for you a place to which he may flee. ¹⁴ But if a man willfully attacks another to kill him by cunning, you shall take him from my altar, that he may die.

That's a death penalty offense. So what you really have in verses 12-32... The focus of these cases (these instances) is the "thou shalt not murder" law of the Decalogue. So in the preceding verses (7-11)... In verses 1-6, if we have *elohim* being the deceased ancestors, then we have a certain issue there about honoring your father and your mother. That would be the way that this connects back to the Decalogue. Verses 7-11 will be about "don't steal" and "tell the truth." Honor your commitments. Honor your trust. In verse 12-32, the focus would be "don't commit murder." The focus is on intentional killing.

¹⁵ "Whoever strikes his father or his mother shall be put to death.

¹⁶ "Whoever steals a man and sells him, and anyone found in possession of him, shall be put to death.

That goes back to the stealing. But also, since kidnapping is a death penalty offense, it could also be considered in that day doing intentional harm that potentially could result in a death. If you're kidnapping someone, it's usually not to do nice things to them. That sort of thing. So you could have the theft command in there as well. You could be committing an act that telegraphs a murderous intention. So that's why it gets included here.

¹⁷ "Whoever curses his father or his mother shall be put to death.

It's the same thing here. So this whole section is really trying to apply in the Israelite mindset the command against murder.

Now I want to spend a little bit of time on a few of these verses because they get really misused today to justify abortion. And I'm speaking specifically here of Exodus 21:22-23. So let's just read those.

²² “When men strive together and hit a pregnant woman, so that her children come out, but there is no harm, the one who hit her shall surely be fined, as the woman's husband shall impose on him, and he shall pay as the judges determine. ²³ But if there is harm, then you shall pay life for life, ²⁴ eye for eye, tooth for tooth, hand for hand, foot for foot, ²⁵ burn for burn, wound for wound, stripe for stripe.

The key verses are these two: 22 and 23. So in verse 22 you have a struggle (a fight). A pregnant woman gets hit and her children come out but there is no harm. These are all ambiguous phrases, which I'll get to in a second. The one who hit her, if there's no harm, shall surely be fined. But if there *is* harm, then it's life for life. That's a death penalty issue. Now let's just talk about the content of the passage before we get into why I'm camping here for a little bit. Sarna writes this:

Unfortunately, the Hebrew text is replete with difficulties, which are further compounded by the attachment of the law of talion [MH: that's eye for eye, tooth for tooth—*lex talion* is the Latin] (vv. 23–25). For example, it is not clear why the phrase expressing expulsion of the fetus should speak of “children” in the plural; nor do we know whether stillbirth, premature birth, or term delivery is intended. [MH: Any one of those circumstances could apply.] Nor is it certain to what and to whom the Hebrew *'ason*, here rendered “other damage,” refers.

We don't know what's really in the picture. So we've got some problems here. Sarna tries to unpack this a little bit. I'm mostly satisfied with this. I think the reason that it's plural (children) is probably to cover the loss or premature birth of more than one child. They may not necessarily know if it's one or more than one, so the plural covers that. I think that's the easiest explanation. Sarna notes about the verb “come out,” which he translates in his commentary “emerge.” So if the contents of the womb emerge (they come out), he says here:

Come out – (“emerge”); the term is used of birth [MH: elsewhere], though it is not the normative term:

Gen. 25:25; 38:28; cf. Num. 12:12; Job 1:21; 3:11; 38:8, and so therefore may describe some other circumstance (e.g., stillbirth).

An example would be Genesis 25:25. This is Jacob and Esau.

²⁵ The first came out red, all his body like a hairy cloak, so they called his name Esau.

So “came out” there is the issue. Genesis 38:28:

²⁸ And when she was in labor, one put out a hand, and the midwife took and tied a scarlet thread on his hand, saying, “This one came out first.”

So that’s enough of the examples. To “come out” (*yatsah* here in Hebrew) could be a verb for birth. It’s certainly used that way. Typically, you’d have something like “brought forth.” Another would be *qanah*, but it is kind of a rare verb. But begot, when it’s used of a woman... she conceived and brought forth or bore a child. You have *yalad* in some of these cases and other verbs. But you do have this one that’s translated “come out.” That does occur with birth. So that might actually be in the picture. So you could have a live birth here. You could have a still birth, something like an unintentional abortive circumstance obviously. We just don’t know. Sarna also comments on the term “harm.” He says:

Harm elsewhere always signifies a major calamity.

It’s used in the Joseph story, Genesis 42:4:

⁴ But Jacob did not send Benjamin, Joseph’s brother, with his brothers, for he feared that harm might happen to him.

Genesis 44:29

²⁹ If you take this one also from me, and harm happens to him, you will bring down my gray hairs in evil to Sheol.’

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So harm is something that’s a pretty severe calamity. So is that in view here? Well, probably, because the one circumstance might involve the loss of a life—a death penalty offense. Now Sarna adds:

Rabbinic tradition construes the phrase in this way [MH: some severe harm] and understands it as referring to the mother.”

That brings up another issue. Is the harm to the mother or the child? The passage doesn’t say. “When men strive together and hit a pregnant woman so that her children come out, but there is no harm...” That probably refers to the kids, but in the next verse, “but if there is harm, then you pay a life for a life.” So is that... Is one the kid and the other the mother? Are both the kids? Both the mother? Who knows? All these issues roll together, and then verse 23 is the

sticking point, nowadays. “But if there is harm.” We don’t know if it’s mother or child.

Now pro-abortion people, including some Christians, read the passage as follows in light of all of this: “When men strive together and hit a pregnant woman so that her children come out and are dead [we’re reading into that, but this is for illustration], then the one who hit her shall be fined. But if there *is* harm (in other words, if the mother dies), then there’s life for life.” So why it’s read that way is this: The mother’s life, when it ends, requires the death penalty. And so, therefore (ergo), in this interpretation, the mother’s life is counted as more than her children. The children are essentially not valued. They’re either not human or sub-human, or something like that. They’re not really persons. So the question is then raised, “Why should we care about abortion? Why should we call abortion murder? This passage isn’t... blah, blah, blah.”

Now if we assume the part about the child or the children dying with no recrimination (which the text doesn’t say, you have to assume all these things)... And by the way, any ethical position based on assumptions isn’t a very good hermeneutic. But let’s play along. If we assume the part about the child or children dying with no recrimination, is this a correct parsing of the intent of the passage? Is this what the passage means? If the kids die and the mother doesn’t, are we really supposed to say that the passage intended to teach us that children aren’t really persons? I would say the answer is quite obviously no. Now you get some help here with Hammurabi’s law code. Hammurabi’s law code has something really similar to this, that if you wanted to defend abortion from this passage, you typically never mention it. If you don’t, you’re going to mention it because it’s pretty close. I’m going to just read you Hammurabi’s code here, sections 209-214. An *awīlu* is a classification of a person, sort of like a person of high status— an elite person/citizen. It’s a high social class.

§209 If an *awīlu* strikes a woman of the *awīlu*-class and thereby causes her to miscarry her fetus, he shall weigh and deliver 10 shekels of silver for her fetus.

§210 If that woman should die, they shall kill his daughter.

So you have a man of a certain social class strikes a woman of the same class, the woman miscarries, then the perpetrator shall weigh and deliver 10 shekels of silver to compensate for the loss of the fetus. But if the woman dies, then the authorities are to kill the offender’s daughter.

§211 If he should cause a woman of the commoner-class [MH: let’s say the guy strikes a commoner] to miscarry her fetus by the beating, he shall weigh and deliver 5 shekels of silver.

§212 If that woman should die, he shall weigh and deliver 30 shekels of silver.

§213 If he strikes an *awīlu*’s slave woman and thereby causes her to miscarry her fetus, he shall weigh and deliver 2 shekels of silver.

§214 If that slave woman should die, he shall weigh and deliver 20 shekels of silver.

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So you can see that as the social class declines, the amount that needs to be repaid declines. And even if the person of lower social class dies, the penalties are less severe. The point is that Hammurabi's code is not teaching or assuming that children are not humans. That isn't the point. It's not even teaching that children are less than human adults. Because in the first instance with the upper social class, if we have a death there, that's the most severe of the fetal penalties. You never get a zero, even for a slave woman's fetus. So it doesn't assume that children aren't human. That isn't the point of these laws. The point of the laws is not about human personhood. It's about social classes. So Israelite culture (believe it or not) had social classes. Adults were a higher social class than children. Why? Because they are capable of doing work. This is just how the culture works. It's what's going on. The point of the laws is not, "Well you're human and this thing over here isn't. It's not a real person, so you can kill it and who cares." No, that isn't the issue. And plus, you have to read all of those circumstances into the passage. The passage never actually says any of those circumstances that the pro-abortion person needs to be there. The text is not self-evident or even clear in that way at all. But nevertheless, you'll see this passage come up in "biblical defenses of abortion," when it's quite wrong-headed. And the parallels are helpful in getting our heads in the right place in terms of the ancient Near Eastern culture. It's about social class. It's not about personhood. Let's move on to Exodus 21:28-32. This is the ox-goring.

²⁸ "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.

This is the first circumstance and it's an unintentional goring. Why do you put the ox to death? Is the ox a moral character in the story? A sentient being? No, you put it to death so it doesn't kill anybody else. It's common sense. It's capable of doing this. It did it once. It was unintentional, but we're getting rid of the ox. It could do it again. And the idea of not eating the ox is that we don't want people going, "Hey, that guy's ox gored me. Let's put it to death. I could use a steak." You don't create a circumstance where the circumstances could be manipulated and then a person loses some livestock and you get a meal. You don't do that either. So you don't eat it. There's no benefit to it.

²⁹ But if the ox has been accustomed to gore in the past [MH; maybe it hadn't been reported or maybe it wasn't unto death], and its owner has been warned but has not kept it in, and it kills a man or a woman, the ox shall be stoned, and its owner also shall be put to death.

It's kind of obvious. There's a difference here between accidental resulting in the loss of life and negligence. Personal responsibility. With the unintentional thing, you have some ransom and redemption going on.

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

So even the guy who is responsible here who didn't heed the warning could be ransomed here, because it's not a premeditated murder. But he was warned and he was negligent and didn't do anything about it. So he could be put to death, or he could be ransomed in some way. So this is an application of "thou shalt not murder." What's murder? This is an instance that helps us define what murder is—where there is no ransom—versus what isn't. And even in the category of what isn't, if the person is just willfully negligent, that person does put his own life in jeopardy. It could be ransomed, but it's not a good situation by any stretch of the imagination.

So again, these are case laws. They allow interpretation and nuancing of something in the Decalogue. So you go from that point (Exodus 21:33) all the way into Exodus 22:15. It's a string of case laws that revolve around restitution. Unlawful theft—unlawful taking of property—is in view in these. And part of this is Exodus 22:7-9 which we touched on in episode 249 so we're not going to worry about it here. But I want to go down to Exodus 22:16-17 and read that. This is part of this section.

¹⁶ "If a man seduces a virgin who is not betrothed and lies with her, he shall give the bride-price for her and make her his wife. ¹⁷ If her father utterly refuses to give her to him, he shall pay money equal to the bride-price for virgins.

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Sarna has a comment here. I think this is interesting.

The Book of the Covenant [MH: this whole section, Exodus 21-part of 23] does not regulate the laws of marriage. Long established by custom in Israel, they were transmitted orally over the generations. The present law must be an amendment to existing practice.

I've made the comment a number of times in our series on Exodus that there are things in the Torah that assume a culture. God doesn't invent a culture out of thin air and say, "This is the divine heavenly culture now. We're going to assume polygamy and..." No. The Torah assumes certain cultural practices. And Sarna is just bringing this point up.

The extant corpora of laws from the ancient Near East devote much attention to the case of rape but none to the specific issue dealt with here.

So here's a case where within an existing body of ancient Near Eastern jurisprudence, there's something in here that's different in the Israelite way of thinking than other ancient Near Eastern law codes. Back to Sarna:

Ibn Ezra points out that the sequence of legal topics is "from the case of stolen property to that of a stolen heart." Both are offenses that occasion economic loss and entail payment of compensation.

A man has seduced an unattached virgin.

Recall how Israelite culture defined adultery just like the wider ancient Near Eastern culture. It wasn't a culture that was invented. It was something that was already there. And the Torah assumes these things, and that is a man cannot have sexual relations with a married woman or a betrothed woman. But if the woman doesn't fit either of those, he is allowed to add wives. We talked about this when we hit the "thou shalt not commit adultery" in our discussion of the Decalogue, just to refresh your memory. Here in this case, a man has seduced an unattached virgin. So she doesn't fit the two categories that would constitute adultery.

Ordinarily, her father would receive the *mohar*, or bride-price, customarily paid him by the husband-to-be.

This is also a biblical Hebrew word. You'll see the *mohar* paid in various passages.

This is in compensation for the loss of the daughter's services and potential value to the family. But the *mohar* was predicated on the woman's premarital virginity, which was expected on moral and social grounds and was essential to the marriage contract. Thus, the deflowering of the girl caused her a loss of social status and resulted in her father's forfeiture of the *mohar*. Consequently, the seducer had to make good the lost sum, regardless of whether the father permitted him to marry his daughter...

He's going to have to pay up regardless.

The *mohar* was occasionally paid in services or heroic deeds instead of in money, as was the case with David's marriage to Saul's daughter, Othniel's betrothal to Achsah, daughter of Caleb, and Jacob's many years of service in return for Laban's two daughters...

Now it's also to point out some of the issues with terminology. This is again coming from Sarna. He writes of the term translated "seduces" that the term is of

interest because it implies that there was persuasion or deception by the man but not coercion. It's not rape.

There is a presumption of consent on the part of the girl.

Either she was persuaded or deceived into this. For the law of rape, we get something different than what we read here. That's Deuteronomy 22:22-29 which is much more severe in terms of penalty.

Who is not betrothed — Hebrew *'asher lo' 'orasah* means that she had never been betrothed; that is, she has not previously had a fiancé, one who paid the *mohar* for her but had not yet consummated the marriage.

So she hasn't been engaged before and the price for her has never been paid. That's the circumstance.

40:00

Biblical marriage comprised two separate stages. The first is expressed through the [verb] stem *'r-s* used here.

If the transliteration is correct here... I'm reading a transliteration so I can't see the characters. *'asher lo' 'orasah*, so we'll assume here *aleph-resh-samek*. The first step here in regard to that term isn't quite known. It's an uncertain term. It may mean to ask (as in asking for the girl's hand in marriage), but scholars aren't sure exactly what that is.

Once the *mohar* was paid [MH: that's the second stage], the girl was considered betrothed (Heb. *me 'orasah*) and had the legal status of a married woman even though she was still entirely under the care and authority of her father.

They're not joined as husband and wife like we would think of it yet. But she is engaged and she has the legal status of a wife, which is why a man who is married can't come along and take that woman who is betrothed—because she has legal status like she is a wife. That would be adultery. So you have this... It's an interesting situation here I thought I would spend a little bit of time unpacking. What's the teaching point? Obviously, it's about stolen property. We don't like to put it in those terms because we don't view humans as property. And I'm using the term just to jar you a little bit. The teaching point isn't that women or daughters are chattel. The teaching point is that there was an economic exchange when it comes to marriage. And this is part of Western civilization, as well, even into the modern era—*well* into the modern era. If you're a fan of period movies, for instance, you'll see this kind of thing, where the household losing the girl was expected to receive a dowry in exchange. It doesn't mean that they were treated as property. It means that their economic value to the household has to be compensated or replaced. Those are two related but different thoughts. So we don't want to lose the distinction in the thought.

Let's move on to Exodus 22 from verse 18 on. You have here categorical prohibitions. So we're moving here a little bit away from case law to things that you just don't do.

¹⁸ **"You shall not permit a sorceress to live.**

¹⁹ **"Whoever lies with an animal shall be put to death.**

²⁰ **"Whoever sacrifices to any god, other than the LORD alone, shall be devoted to destruction.**

So you have situations here that result in very, very severe death penalty offenses. You say, "Why is this? What's the connection to the Decalogue?" The connection to the Decalogue is (at least in the first one) not so obvious. The third one is pretty obvious. "Whoever sacrifices to any other god..." This is a violation of worshiping only the Lord your God. All three of them are actually that, because the sorceress command has to do with idolatry, ultimately, because the sorceress (that's just an English translation)... The person in view here is going to be using divination to not only solicit information from other spiritual beings (i.e., other gods, other *elohim*) but the person who is receiving that information could be drawn into an idolatrous worship or some sort of ritualistic relationship with that entity. Or perhaps the use of images is part of (and in many cases it was) the divinatory deed. So the context for this is idolatry, which is a violation (clearly) of the early commands in the Decalogue. That's why we get the death penalty offense here. No other gods. When you switch sides... And what's the context here for Exodus 21-23? It's not only the meeting at Sinai in Exodus 20, where God's giving the commands. It's also Exodus 24—the sealing of the covenantal relationship. When you switch sides, you pay the price, and the price is death. You don't worship other gods, period. You've made your decision and it's a very poor decision. God has just shown you (through acts that he did in Egypt with the plagues, with the Red Sea, the Passover, the last plague, all that stuff) what happens to people who worship other gods. It's not good. So the Israelites are going to know this going in, so to switch sides, it's very obviously contextually going to be a death penalty offense.

45:00

What about 22:19, bestiality? This is often connected to pagan religious practices. I'm going to read you a little section from Sarna here. He says:

This particular perversion is again prohibited in Leviticus 18:23 and 20:15–16, where it is presented as one of the abominations of the pre-Israelite inhabitants of Canaan...

Which in and of itself is interesting because (I don't want to drift too far into this) if you were in Lubbock for my Lubbock session about the pre-Israelite inhabitants of Canaan (specifically the sea peoples, where we get the giant clans, the

Amorites and all that stuff)... Just the fact that it was connected to them tells you that we have an idolatry situation—idolatry circumstance. You are linking yourself... By committing this act with an animal, you have linked yourself with people who are associated ultimately with the chaos that erupted both in Genesis 6 and also at Babel. It's this Amorite, pre-Israelite inhabitant of Canaan connection. Back to Sarna:

It is not known to what extent the biblical allusions are representational of Syro-Palestinian culture. Quite possibly, they are aimed at idolatrous practices, otherwise unrecorded, of the official pagan religious or popular cults. Of the law collections of the ancient Near East, only the Hittite [MH: laws] legislates against bestiality, imposing the death penalty—except [MH: this is an oddity of Hittite law] for copulation between a human and a horse or mule, which, inexplicably, is not an offense! [MH: It's just weird, but Hittite law is known for this.] Hittite ritual texts dating back to the second half of the thirteenth century B.C.E. describe the purificatory rites for the removal of the impurity of bestiality (and incest) from a man. Otherwise, references to this abomination are restricted to mythological literature and to records of dream experience.

The mythological reference there is probably Baal—I would say mostly something that is going to be associated with Baal, which of course is intimately associated with Amorite situation. Baal copulates with a cow in one Ugaritic text. So that's probably the reference. It was especially... As Israel receives the law, they enter into the covenant, they get into the land, they settle into the land, they're going to become familiar with Canaanite religion too much because they don't drive the inhabitants out completely. We know this from the first chapter of Judges. And they're going to be exposed to stuff about Baal. They're going to have heard this. So the law would especially make sense in that way. 22:19 is the obvious one. You don't sacrifice to the gods of other nations. Interestingly enough, Sarna pulls this out from the Hebrew text. He says the reference is "to the gods" of other nations. I'll read it again. "Whoever sacrifices to any god other than the Lord alone shall be devoted to destruction." So Sarna says (and he's right, it's what the Hebrew has) whoever sacrifices to the gods:

This understanding is indicated by the vocalization of the Hebrew: *la- 'elohim*, as distinct from *le 'lohim*, which refers to the one God.

So if you have the preposition plus *elohim*, if it's *le 'lohim* ("lay-lo-heem" is the way you would correctly pronounce it), that's to one God. But *la- 'elohim* is to the gods, specifically the gods of the nations. So you're put under the *herem* (the devoted to destruction law), which was aimed at the people who did those things and ultimately were associated with the Amorites. I can't drift off into why that connection makes sense with giant clans and whatnot. This is material that is a good bit beyond what we covered in *Unseen Realm*. It's the kind of thing (I have

this on my possible list of topics for the Naked Bible cruise in October of 2020, but we'll see when we get there. But this is a big deal. It's an obvious application and a set of prohibitions that derive from the early commands of the Decalogue. And in Exodus 22:21-26, we get a series of social justice commands. I'll just read you a few of them here.

50:00

²¹ “You shall not wrong a sojourner or oppress him, for you were sojourners in the land of Egypt. ²² You shall not mistreat any widow or fatherless child. ²³ If you do mistreat them, and they cry out to me, I will surely hear their cry, ²⁴ and my wrath will burn, and I will kill you with the sword, and your wives shall become widows and your children fatherless.

So this is a pretty severe situation from God's perspective. Sarna writes:

Four social groups especially vulnerable to exploitation are now singled out as being the object of God's special concern. These are the stranger, the widow, the orphan, and the poor. The Torah here enjoins sensitivity to their condition not simply out of humanitarian considerations but as a divine imperative. Insensitivity is consequently sinful, a violation of a commandment that expresses God's will. A striking feature of the Hebrew legal formulation is the manner in which the audience is addressed in the singular and the plural, following the pattern of the Decalogue.

This is the Decalogue and it actually does this too. It refers to whoever is in view in both singular and plural terms.

It recognizes both the individual and society as equally responsible and accountable for the terms of the covenantal relationship between God and Israel. Social evil is thus a sin against humanity and God...

Now I want to throw some thoughts out here in light of that. The reason for this singular and plural thing is ultimately because the nation (collectively) is going to enter into a covenant with Yahweh. We're going to see that in Exodus 24. That's all well and good, but here's what I want to throw out. This doesn't apply to modern states by definition because A) They aren't theocracies. They're not new Israels. B) Those modern nations have never enacted a covenant with Yahweh. A better analogy than state power is the Church—the people of God now. When we make no attempt to address social evils, we do wrong. That ought to be obvious. But the more difficult question for us today is, “By what means?” Now the church is not a theocratic state and it's not intended to be a theocratic state. It is not attached to specific geography, nor is the Great Commission concerned with gaining and holding geography. So the modern notions of statehood and the Church are apples and oranges. The principle, though, of God's people trying to address and protect the most vulnerable is a legitimate application.

What we have going on here is about God using believers to save people... In the Great Commission, God is using believers to save people from all the nations, to incorporate them into his family. That's what we're tasked to do. It's God's job at the Day of the Lord/return of Christ to judge the nations. That's not our job as the Church (as God's people). What's in view here is believers—the people of God individually—and as the believing community (i.e., the Church today), we are supposed to do what we can to alleviate suffering and to make sure people are treated justly according to God's morality, God's good justice. Believers are supposed to address this stuff. We're supposed to address social evils individually and corporately as the community of believers. We're not supposed to hand that responsibility to the State. That's what I'm ultimately trying to get to here. We as the Church are not a state. We are not a theocratic state. We're not supposed to make our states in the modern world theocracies. That is not the Great Commission.

On the other hand, instead of that misguided thinking, we as individual Christians, we as believing communities (our own local churches) are supposed to do what we can to alleviate this sort of suffering and to address social problems. Not with the intent of "We need to turn America into a theocracy and get it back to being..." No. We're not the new Israel. America is not the new Israel. You could say the Church—the believing community, the family of God—is a new Israel because the New Testament does use that language. But the intent of that is not to set up a theocracy. The intent of that is to go out into all the world (like the Great Commission says) and win people through the gospel and bring them back into the family. Too many Christians today tend to conflate all these things and not think carefully about their nuances.

55:00

Now what I just described is not what's known today as the "Social Gospel"—God forbid! The Social Gospel redefines the gospel as good works on behalf of the poor and downtrodden. It's a bait-and-switch. It redefines the gospel as addressing social problems. That is not the gospel. While we should address social problems, none of that is the gospel. Rather, a better way to think about it is all that stuff is pre-evangelism. It's pre-gospel stuff. It creates good will toward people who need the real gospel. It gives Jesus a good reputation so that people will listen to the gospel. It's not a substitute for the gospel.

Let me just tack on one other thought. It's hopelessly inconsistent for progressive (and I really don't like that term because "progressive" often isn't progressive at all—it's regressive and a whole lot of other things)... It's hopelessly inconsistent for progressive Christians to advocate social justice on the basis of these and other passages (whose context is a theocracy, by the way) and then explode with rage when other Christians want to use the same Bible to exalt biblical morals about sexuality and marriage and protecting the unborn. That is hopelessly inconsistent. And you've got certain political candidates out there doing this now, quoting Bible passages to prop up abortion and other social programs. But then

when you turn around and you talk about other issues that are in the same Torah or the same Bible, they just flip out. It's hopelessly inconsistent. It is a hermeneutic of hypocrisy to say that you're taking God's side on just a select list of causes or issues. And you also can't assign the sexuality material of the Bible to culture and then pretend that other social causes aren't cultural but absolute. It's a totally inconsistent hermeneutic. You're cherry-picking for the sake of your list and to pretend you're on the side of biblical authority, and it's a self-serving approach to Scripture.

Other than that, I don't have any thoughts about it. I think you can tell, this is something that really irritates me. It bothers me not only when we have an inconsistent hermeneutic like this to prop up a political cause or a political opinion. The Church is not the State. The Church isn't supposed to be the State. It's not supposed to turn the State into a theocracy either. Both sides of the political spectrum get this wrong. I just don't know how much clearer Jesus could have been. "My kingdom is not of this world." I don't see how that's ambiguous. "*My kingdom is not of this world.*" Where's the ambiguity? We should not be handing over our responsibility to the State.

You say, "How in the world can all these social problems be addressed?" One person at a time. It's the same answer to the question of "How in the world can the Great Commission be accomplished?" It's one person at a time. The math is on our side. I've had this presentation before about just working the numbers (the demographics). If every Christian won some person to the Lord every year and disciplined them, and every Christian helped out to take away somebody's suffering pre-evangelism (getting them ready to hear the gospel, giving Jesus a good reputation so that they'll actually listen to the gospel)... Good works is not the gospel. The social gospel is a different gospel. Think of it as social good works are pre-evangelism. It's pre-gospel. It's setting a stage for a hearing of the real gospel. It's not a substitute. If every Christian did that to one other person every year and then all those other Christians either in terms of winning people or doing good things to people... If they all simultaneously repeated that with one person every year, the exponential numbers are on our side. It's like 10 or 12 years before the population of the world is covered. That's how it's supposed to be done. The church (Christians) are not supposed to be handing over pre-evangelism works and then pretending they're doing the gospel when the State is taking care of something supposedly (or badly, usually) and then pretend that they're doing God's work by handing this over to the State, growing the State and diminishing personal responsibility from believers. That's just abominable. But that's where we are. It's where a lot of churches are—even believing churches. I could go off on this for a long time, because I do think about it a lot. But we need to go back and finish our chapter. So back to the ancient mindset. Sarna says:

These humanitarian stipulations may have been set down after the preceding cultic laws in order to establish a contrast between the moral corruption of paganism...

You say, “Why the weird laws about the witch and bestiality and idolatry... Why is that juxtaposed to this social justice stuff?” Sarna says, “Look, it’s supposed to establish a contrast between the moral corruption of paganism and the moral nature of the God of Israel.” And boy, does it do that or not? God is angry when these people are mistreated. And the pagans are out there doing God-knows-what. They’re not caring about this. People are imagers. This is biblical theology. It’s biblical thinking. The prohibition against idolatry was designed to reinforce the idea that God chooses who or what images him, and he has made man his imager. When he shows up in visible form... He says to people, “Now don’t make any visible form that’s supposed to be me. Even if it’s in your head and your heart that ‘This is Yahweh and we’re bowing to him,’ don’t do it. You are not supposed to bow to anything made by human hands.” But when God chooses to show up, how does he show up most of the time? As a human. The theological messaging that goes with that I hope doesn’t escape you. And if you think about that, it helps you think about the concept of imaging—thinking about God’s preference for making himself known as a human being (and human beings are his imagers). Then mistreatment of fellow humans is a violation of the way God wants not only your culture (your society, your church, the believing family) to function that way, but it’s actually a violation of the principle of how God wants to be worshipped or not. It still goes back to the connection with the Decalogue.

At the end of the chapter (we’re just going to wrap up here) there’s a section about interest and loans and the poor, which is kind of interesting. I’ll read you a little bit of what Sarna says, but I don’t want this to go too long. There’s so much in the passage that we could comment on. But Sarna writes this (this is Exodus 22:24-26):

These laws are aimed at protecting the desperate poor from exploitation by the more fortunate. They are the first of several such examples in the Torah that regulate loans and forbid the taking of interest. The others are Leviticus 25:35–38, Deuteronomy 23:20–21, and 24:10–13. The association of loan giving with the poor provides the social background to the prohibition. Prior to Solomon’s time, Israelite society was composed overwhelmingly of peasants in villages operating in an agrarian economy. Tribal affiliation carried with it the obligation of mutual cooperation and support. In these circumstances, the need for a loan would be occasioned not by business and commerce but by dire poverty. Those who habitually lived at little more than subsistence level would need to borrow either money or grain if disaster struck. The taking of interest was therefore a moral not an economic issue—to do so was to shirk responsibility to one’s fellow Israelite and to profit from another’s misery. It also opened the door to the eventual

enslavement of the borrower and his family, since in most instances the payment of the interest, let alone repayment of the loan, was unfeasible. The story in 2 Kings 4:1 illustrates the case.

The present laws, like similar ones found elsewhere in the Torah, are designed to safeguard the dignity and protect the means of subsistence of the impoverished debtor. True, several biblical texts indicate that there were times when the ideal was ignored in practice. Nevertheless, biblical law is unique in the ancient Near East in imposing an absolute ban on lending and borrowing with interest.

In the urbanized and commercialized society of Mesopotamia, loans on interest were commonplace and regulated by both law and custom. Loan contracts from Nuzi show that rates of interest at times reached 50 percent per annum [MH: per year]. The laws of Eshnunna and Hammurabi pay much attention to loans. Generally, interest rates specify 33⅓ percent per annum on loans of grain and 20–25 percent on loans of silver. The system resulted in the granting of legal sanction to the practice of seizing the nonpaying debtor or members of his family and depriving them of their freedom.

1:05:00

That's the point of these laws. Their own cultural context is a society where you were supposed to take care of each other as fellow Israelites, members of this covenantal relationship with Yahweh. I think that applies very nicely to the Church. But even if you want to dispute charging interest of another Christian and all that stuff (and I understand we're not a theocracy), the real principle here is to avoid the debasement and to not extend the vulnerability of people. Ancient Near Eastern interest rates, as we just read (they're the most common examples that you could cite here) are exorbitant and they create the set of circumstances that create debt slavery. That is unique in the Hebrew Bible in that that circumstance is what is specifically to be avoided. And the Bible does this in other ways, like Jubilee year and all this stuff. You are not supposed to do this kind of thing to people, at least to members of your own community. Now outside (Sarna comments on Deuteronomy 23:21) that passage...

...expressly permits the exaction of interest on loans made to a foreigner (Heb. *nokhri*), that is, to one who resides in an Israelite locality only temporarily. Likewise, debts incurred by a foreigner are not canceled in the Sabbatical year (Deut. 15:3). These distinctions are drawn because the foreigner referred to would most likely be a traveling trader who takes a loan for commercial and business reasons. Because of his mobility, such an individual would constitute a high risk. [MH: Like, he could just never come back!] This situation is well documented in the ramified and far-flung trading operations carried on in the Assyrian Empire, which were financed through private enterprise.

There are all sorts of examples of what he just cited (we'll just keep this within an Israelite context). You were allowed to charge interest of a foreigner (someone who was not a member of the community) because of some of these logistical reasons. That's the context. So if they repaid you, you would get a little bit more back potentially. It also might create a set of circumstances where people would be hesitant to borrow from you, at least initially, feeling that they were under this obligation, but within the community (and this is the bigger principle here), this is a theft issue. If you do this thing that you're forbidden from doing to members of your community, if you go ahead and do that, you're guilty of theft. It's an extension of the Decalogue—this idea, that you're not supposed to create the set of circumstances that would create the possibility of debt slavery. This is something to be scrupulously avoided. And even within the community, even if some set of circumstances evolves or devolves where a person is in this situation when disaster strikes or whatever, even that is limited by the Jubilee idea.

So it gives you some context for how things are at least thought about. I don't really have time to comment on the last verse here (Exodus 23:19). This is where we would quit. The whole "Thou shalt not boil a kid in its mother's milk..." I will say this only. I have a friend who went through the UW program and then went to Harvard. His name is Andy Teeter. He teaches at Harvard Divinity School now. He came out with a really, really, super-technical article on this where he looks at the Dead Sea Scrolls and rabbinic parallels as well as text-critical data from the Samaritan Pentateuch. It's quite dense. But he argues that the point of the prohibition "Thou shalt not boil a kid in its mother's milk" is akin to saying "You should not commit premature sacrifice of the contents of the womb." This was something that you were not supposed to do. Now you could do this accidentally. You didn't know it was pregnant. I don't know how you wouldn't... If you're in an agrarian culture, you should kind of know that. But that was considered something ritually disallowable. So it's another way of saying the same thing. Deuteronomy 4:21, Exodus 34:26, has laws about not sacrificing a newborn and a mother on the same day, so this is just a different way of making the same point. And Andy's argument is that's really what it means. It's not anything about Canaanite religion or something like that. It's just... Here you go. Even though the Canaanites would've cared less. So there's a connection there. And with certain rituals there could be a connection to idolatry. Well, nobody's going to deny that. But the real point here is another way of expressing the same idea as those other two passages.

So that's our little foray through the covenant code (the Book of the Covenant). I realize it was hit-or-miss, but the point I want to reinforce as we wrap up here is, look, it's strange. These things don't look like they go together. The order is haphazard. Like, "What in the world is going on here?" Part 1 deals with how difficult the situation can be and how convoluted it can be. Everybody knows that who deals with this section. But the thing to recognize is it is what it is because they are illustrating—they are living out, they are trying to apply—the much more simple but still at times ambiguous laws from the Ten Commandments (the

1:10:00

Decalogue) that we've just spent three weeks (three episodes) covering—the actual Decalogue. So that's what this section is about. And what we're going to do now is to move on. When we come back to Exodus, we're going to move on into the angel passage. We'll say a little bit about that. But eventually we're going to get to the actual covenant ceremony and then into some of the other stuff that Exodus is known for, like building the tabernacle and the Ark of the Covenant and all that stuff. So we're almost there as well. But this is the end of our little foray into the legislation.

TS: Alright, Mike. Well, Q&A next time, so I've got to get you a bunch of questions for our Q&A next week. We'll take a break from Exodus and we'll pick it back up. And Mike, the week after that is our conference. If you're not going to be able to make it to the conference, livestream it. Go to www.NakedBibleConference.com to get the information about livestreaming it. You can watch it for about three months and then we have plans for it later. But if you can't make it, at least you can livestream it. So don't miss that. We hope you can join us. And with that, Mike, I want to thank everybody for listening to the Naked Bible Podcast! God Bless.