

The Laws of Justice and Mercy

Exodus 23 1-12

January 16, 2022

Today's scripture is part of a section of *Exodus* called "The Laws of the Covenant." This section closely follows the ten Commandments (Exodus 20 1-17). It addresses specifics that are consequent to the Commandments as applied to common situations. The lesson book has an outline of all of this material from Chapter 21:1 to 23:19. The laws of the scripture selection, 23:1-10, are examples that illustrate the spirit of justice with which the Commandments should be followed. "... their main purpose is to create the moral attitudes which shall permeate all legal decisions. No penalties are specified for transgressions; the concern is not with specific cases but an all-pervasive sense of justice. In the ancient Oriental world Israel alone was able, despite periodic delinquency such as that attacked by the prophets, to make this sense of justice and honor an ineradicable part of its ethos." (J Coert Rylaarsdam, *Interpreter's Bible*, 1952, Exegesis, v. 1, pp.1009-1010.)

Exodus 23 You shall not spread a false report. You shall not join hands with the wicked to act as a malicious witness. ² You shall not follow a majority in wrongdoing; when you bear witness in a lawsuit, you shall not side with the majority so as to pervert justice; ³ nor shall you be partial to the poor in a lawsuit.

⁴ When you come upon your enemy's ox or donkey going astray, you shall bring it back.

⁵ When you see the donkey of one who hates you lying under its burden and you would hold back from setting it free, you must help to set it free.^[a]

⁶ You shall not pervert the justice due to your poor in their lawsuits. ⁷ Keep far from a false charge, and do not kill the innocent and those in the right, for I will not acquit the guilty. ⁸ You shall take no bribe, for a bribe blinds the officials, and subverts the cause of those who are in the right.

⁹ You shall not oppress a resident alien; you know the heart of an alien, for you were aliens in the land of Egypt.

¹⁰ For six years you shall sow your land and gather in its yield; ¹¹ but the seventh year you shall let it rest and lie fallow, so that the poor of your people may eat; and what they leave the wild animals may eat. You shall do the same with your vineyard, and with your olive orchard.

¹² Six days you shall do your work, but on the seventh day you shall rest, so that your ox and your donkey may have relief, and your homeborn slave and the resident alien may be refreshed.

a. [Exodus 23:5](#) Meaning of Heb uncertain

The first three verses concern false witness, the Ninth Commandment. Logically, verses 6-8, also concerned with false witness and perversion of the justice system, would immediately follow verse 3. These verses seem to move from situations of casual importance to the centrality of fair justice from a judge. In verse 1, “You must not utter a false report, ...” This could be applied to gossip, sensationalizing or misrepresenting minor issues as important, something that is common and easy to fall into doing. The second part of the verse addresses the more serious condition involving others, joining in a conspiracy by associating with the wicked for some evil purpose. When two people coordinate a false testimony, it carries more weight, and the greater the impact of the falsehood. This is particularly dangerous to a court judgment. In the context of the Exodus, the judges were men appointed by Moses after Sinai (on the advice of his father in law Jethro). But these rules also look forward to a more settled existence in the Promised Land.

The second verse concerns “following a multitude to do evil” (RSV), or “following a majority in wrongdoing,” (NRSV). I like “multitude” better than “majority.” A mob does not usually represent a majority, but rather those who are most forceful, seeking to bend others to their will, others who may be cowed into silence and inaction by intimidation. Now we have not just a conspiracy, but overt coercion to give false testimony by joining, or be turned into one of the victims. Yes, a majority seeking to do evil is even worse, but the idea that the majority should have its way is more of a modern concept. Either way, God commands that no false testimony, even under such duress, is allowable. With the second part of verse 2, we move from what could be a case of street violence to formal court proceedings, a “lawsuit,” where someone, here backed by a multitude, seeks to do wrong.

Verse 3 is both interesting and surprising.

...³ nor shall you be partial to the poor in a lawsuit.

Why would someone be partial to the poor? Is this a mistake in the text? Some scholars have thought so. "... interpreters... have sought to emend the text of this verse in order to get the supposedly real meaning" (Rylaarsdam, op. cit.). The correction "a great man" for "the poor" has been suggested. Or, after "the poor", adding "nor to a great man." If we can take this verse as it is, it tells us impartiality is important in both directions. Justice can be perverted by partiality toward either rich or poor. Verse 6 covers the case of injustice against the poor, so verse 3, as an injunction against injustice the other way, may not be out of place or incorrect. In the context of concerns for the intent of a "multitude," just earlier, perhaps the "multitude" might be the poor, and the falsehoods might be intentionally leading them to do wrong. After all, in antiquity, most people were poor. It is only in our time in our modern society that being poor is not the case for the majority. Rich people don't usually run in mobs. They have more sophisticated ways to subvert justice. But this verse concerns lawsuits. Perhaps things like "frontier justice?"

Verses 7 concerns a "false charge," a more specific type of false witness. Often bringing a charge is the role taken by authorities responsible for civil order. A charge in court assigns a particular wrongdoing to the accused, and initiates the process of justice. A false charge perverts that process from the very beginning. This is very serious. You might say that false witness is a less serious transgression than murder. But a false charge resulting in the accused being condemned and executed is murder, and worse for having involved others in the sin. God says he does not acquit such wickedness. Perhaps the best example of this in the Bible is when Queen Jezebel coordinated a false charge against Naboth, to justify having him executed so her husband, King Ahab, could seize his vineyard (I Kings 21).

Finally, the false witness issue is a matter for the judge of a case. Bribery subverts justice. There are plenty of examples of that! The sons of Samuel are an important example (I Samuel 8:1-3). This led the Israelites to demand a king, leading to the monarchy. This is ironic, as Samuel's first prophesy to Eli concerns Eli's sons perverting justice and taking bribes from sacrifices brought to the house of the Lord (I Samuel 2 12-17). Forms of bribery can happen in our day too.

Verses 4 and 5 address a very different kind of situation, one concerning a personal enemy. Both command being helpful. These examples are very consistent with the New Testament way of seeing enemies. Verse 4 is the situation when you

encounter your enemy's ox or ass which has gone astray. What should you do? The normal, non-Israelite response would be to do what is easiest: nothing. But the Israelites, under the Covenant, are told to be helpful. That means going out of one's way to help an enemy. In this case in verse 4, this injunction could be rationalized as a measure for the public good, so the animal does not go into someone's field and cause damage. But, no, that case is already covered by a different law (Exodus 22:5). Verse 4 really does require being helpful to an enemy.

If there was any doubt, verse 5 removes it. The language is a bit difficult. The words "lying under its burden," literally "stretched out," means that the animal cannot rise in its loaded condition. It can't get up to its feet. It needs help. The owner, the enemy "who hates you" is presumably trying to get the animal up, but failing. The obligation is to help set the animal free of its condition, that is, help it rise. I would suppose that might even require helping unload and reload the burden. Unlike the situation in verse 4 where the enemy is not around, in this case the requirement is to both help and cooperate with the enemy to see his beast up and able to move.

Verses 4 and 5 actually go beyond the limits of what is required of the Ten Commandments. They amount to a command to do good to one's enemies. In these two verses, that command is in the form of two examples concerning beasts of burden. How widely did Jewish rabbis go in generalizing on this to helping of enemies in general? I don't know. But, later, Jesus said, "But I say to you, Love your enemies and pray for those who persecute you" (Matt 5:44). Also, to go the second mile, and if one slaps you on the cheek, turn the other also. If someone demands your coat, give him your cloak also. (39-41) The root of that idea was already in the Law. That is what God wanted of us from the beginning.

Verse 9 prohibits "oppressing a resident alien." KJV and RSV use the word "stranger," which isn't as accurate. A resident alien could be an Egyptian, Moabite, or even a Canaanite living among the Israelites. He wouldn't be a "stranger" in the sense of being someone unfamiliar. But, as a non-Israelite, he is vulnerable. In most places in that time, a non-subject or non-tribe member normally had no rights. Trade treaties between rulers were important because they extended protection against arbitrary action to subjects of the other king. Property can no longer simply be stolen. Without that assurance, commerce is impossible. That would be disadvantageous to all. Here, in effect, the Ten Commandments are extended not only to concern other Israelites, but even aliens. "Thou shalt not kill," and "Thou

shalt not steal,” applies to them too. Even in the absence of treaties. So do most of the other provisions of the Law concerned with matters of justice. That is remarkable. Israelites, having been aliens themselves, should understand.

Starting in verse 10 and going to 19, calendar issues are addressed. Verses 10 to 12, included in our lesson book, do connect to issues of justice though. Verses 10 and 11 require fields to lie fallow each seventh year. Leaving fields fallow to recover from agriculture was a common practice in ancient times. Here, it is not explicit that all of the fields must lie fallow in the same “sabbatical year.” That could be a problem. The farmer would have to save up and store enough produce to last him through a whole year of no harvest. Despite the parallel language in Leviticus 2-7 that does explicitly say the sabbath year is for all fields, the best evidence was that this wasn’t done, at least not before the Maccabees period. The purpose given in Exodus, whether fulfilled either by alternating fallow fields or all together, was to provide for the poor and for the beasts. Verse 12, setting aside of the Sabbath, has a similar purpose. It is to allow rest for the animals, the slaves, the aliens, as well as the owner of those animals and slaves, and all in the household. The Sabbath is God’s provision for rest for all of humanity and even or the animals. It is for our good, but especially to the benefit of those who have no power, who would otherwise have no rest at all.

What is common to all of this passage is God’s concern for justice, and a sense of justice writ large in terms of who it includes. The tendency of humanity is to each seek his own advantage narrowly, reading laws so as to avoid overt transgression, but to take advantage of loopholes. God is telling the Israelites that there is a better way to live, His way, the way required by the Covenant. In Jesus, that Covenant is given anew, in a way that makes clear that we are to love one another as God loves us. I find myself thinking of the words of the prophet Micah, **“... and what does the LORD require of you but to do justice, and to love kindness, and to walk humbly with your God.”** (Micah 6:8b)

Prayer: Holy God, thank you for the amazing grace that makes us treasured in your eyes. Help us to continue to grow into a covenant community dedicated to you alone. Give us open hearts and wide arms that can include all human beings regardless of class, gender, ethnic story, or geography. Help us to be inclusive with all your beloved ones – and help us to trust that, as long as we seek to do all things in your name, your vision for the world will be fulfilled. Amen.