

Exodus Chapter 21

Verses 1-35

The Ten Commandments were given without a preceding cause, making them unique in the law codes of the ancient Near East.

Most laws, like the ones in this chapter and following, were established in answer to specific cases.

People were to be treated justly (especially slaves and victims), personal property was to be protected, and moral and ceremonial principles were to be observed (Lev. 25:39-43; Deut. 15:12-18).

Exodus 21:1 "Now these [are] the judgments which thou shalt set before them."

“Judgment”:

A combination of casuistic (case-law), and apodictic (direct command), precepts laid down, as a detailed enlargement of the Decalogue.

The framework for judging and resolving civil disputes in Israel.

Such a combination continued to confirm the uniqueness of Israel’s law among the different ancient Near Eastern law-codes.

Later in a special ceremony, God entitled these precepts the Book of the Covenant (24:7).

God here was going to explain in detail to Moses how each problem that occurred would be handled and Moses would tell the people.

Verses 2-11

The law of the slave guaranteed freedom after a specified period of 6 years unless the slave himself elected permanent servitude.

But this would be service in a context not of abuse but of love (verse 5).

Any permanent, involuntary servitude for a Hebrew slave to a Hebrew master was obviously undesirable for Israelite society and was unknown in Israel (Lev. 25:39-55).

Provision was also made to ensure the proper treatment of female slaves, who could not deliberately be left destitute by wrongful action on the part of their master.

Exodus 21:2 "If thou buy a Hebrew servant, six years he shall serve: and in the seventh he shall go out free for nothing."

Every Israelite was free-born; but slavery was permitted under certain restrictions.

A Hebrew might be made a slave through poverty, debt, or crime.

But at the end of six years he was entitled to freedom, and his wife, if she had voluntarily shared his state of bondage, also obtained release.

Should he, however, have married a female slave, she and the children, after the husband's liberation, remained the master's property.

And if, through attachment to his family, the Hebrew chose to forfeit his privilege and abide as he was, a formal process was gone through in a public court, and a brand of servitude stamped on his ear (Psalm 40:6) for life.

Or at least till the Jubilee (Deut. 15:17).

Exodus 21:3 "If he came in by himself, he shall go out by himself: if he were married, then his wife shall go out with him."

The privilege of the married Hebrew slave was to attach also to his wife, if he was married when he became a slave.

It further, no doubt, attached to his children.

Slavery was a way of life.

A Hebrew became a slave because he could not pay his bills, or perhaps because he had committed a crime.

It seems that if a man were married who went into slavery, his wife was enslaved with him.

Here again we see the six days of work and then the sabbath of rest in practice.

The difference was that each day was one year long.

Whether you or I believe in slavery or not, is not the issue here.

This was the custom so God gave them fair rules to go by.

Exodus 21:4 "If his master have given him a wife, and she have born him sons or daughters; the wife and her children shall be her master's, and he shall go out by himself."

If however, the Hebrew slave, being previously unmarried, had been allowed by his master to take to wife one of his female slaves, then, when the husband claimed his freedom the wife could not claim hers.

Both she and her children remained in the slave condition.

The case here was that the woman was a slave also, so she and the children belonged to the master.

Exodus 21:5 "And if the servant shall plainly say, I love my master, my wife, and my children; I will not go out free:"

Under every system of slavery, affection grows between the slaves and a master who is indulgent to them.

At Rome, it was common for slaves to endure the severest torture rather than betray or accuse their owners.

If a man has no rights, he is thankful for small mercies, and responds with warm feeling to those who treat him kindly.

As the Hebrew form of slavery was of a mild type, masters being admonished to treat their slaves "not as bondservants, but as hired servants" (Lev. 25:39-40), and, again, "not to rule over them with rigor" (Lev. 25:46), there would naturally be frequent cases where the slave would not wish to "go out."

He might actually "love his master;" or he might value the security from want which attaches to the slave condition.

Or he might be unwilling to break up the family which, by his master's favor, he had been allowed to create.

For such cases, some provision was necessary.

It was made by the law here formulated (Exodus 21:5-6), which allowed the Hebrew slave, if he liked, to forfeit all claim to freedom, and take upon him permanently the condition of a bondman.

Exodus 21:6 "Then his master shall bring him unto the judges; he shall also bring him to the door, or unto the door post; and his master shall bore his ear through with an awl; and he shall serve him for ever."

A formal act was necessary.

The State must sanction the passing of a citizen into the slave condition, and so the "judges" were called in.

The change was to be made by a significant ceremony.

In order to mark that henceforth the volunteer bondman became attached to the household, he was to be physically attached to the house by having an awl forced through his ear, and then driven into the door or door-post.

Hence “opening the ear” became a synonym for assigning a man to the slave condition in perpetuity (Psalm 40:6).

The word used for “judges” is ha-Elohim, “the gods,” or “the exalted ones,” which has the same sense (in Exodus 22:8-9).

You see, the owner was obligated to set the slave free at the end of the six years.

The slave was not obligated to go, unless he wanted to.

He could decide to stay with his master and his family.

This was the only chance he had to go.

If he decided to stay, his ear was bored through to show that he was never to leave.

It was the servant's decision, not the owner's.

Exodus 21:7 "And if a man sell his daughter to be a maidservant, she shall not go out as the menservants do."

A man might, in accordance with existing custom, sell his daughter to another man with a view to her becoming an inferior wife, or concubine.

In this case, she was not "to go out," like the bondman.

That is, she was not to be dismissed at the end of the sixth year.

But women who were bound in any other way, would appear to have been under the same conditions as bondmen (see Deut. 15:17).

This sale of a daughter was very much like a marriage to the man who purchased her.

Her sale was more of a permanent nature, because usually this sale had to do with the man marrying her.

Exodus 21:8 “If she please not her master, who hath betrothed her to himself, then shall he let her be redeemed: to sell her unto a strange nation he shall have no power, seeing he hath dealt deceitfully with her”.

The reading is to be preferred which gives the opposite sense, “who hath not betrothed her;” and the meaning is, “If the man, after purchasing the woman to be his wife, finds that he does not like her, and refuses to go through the ceremony of betrothal.”

"Then shall he let her be redeemed":

Either by herself or her friends, or any other person that will redeem her.

To sell her to a strange nation he shall have no power.

This was prohibited, because a heathen would keep her for a perpetual servant, which the Israelites might not do.

"Seeing he hath dealt deceitfully with her":

In breaking his promise of marriage made to her, or in disappointing the hopes he had encouraged her to entertain of it.

The sale of a daughter was for her marriage.

The man who bought her was obligated to support her as a wife, the rest of her life.

He had no right to sell her to strangers.

Her family could get her back if the husband-to-be was displeased with her.

The father did not have to refund the money paid for her.

Exodus 21:9 "And if he have betrothed her unto his son, he shall deal with her after the manner of daughters."

Not caring to betroth and marry her himself, as being more suitable in age for his son than for himself.

"He shall deal with her after the manner of daughters; as if she was his daughter, and give her a dowry.

Or the son shall treat her after the manner the daughters of Israel are treated when married.

By giving her food, raiment, and the duty of marriage; so Jarchi.

Or after the manner of the daughters of Israel that are virgins, and who are not sold, as Aben Ezra.

If he purchased her for a wife for one of his sons, he was not to sleep with her.

She was his daughter because she was to marry his son.

Exodus 21:10 "If he take him another [wife]; her food, her raiment, and her duty of marriage, shall he not diminish."

The father takes another wife for his son, or the son takes another wife to himself after he has betrothed and married his father's maidservant.

"Her food, her raiment, and her duty of marriage, shall he not diminish.

Neither deny it her in whole, nor lessen it in part, but give her the full due of each.

What is meant by the two former words is easy, and admits of no difficulty, the latter is differently interpreted.

Some take it to signify no other than an "habitation", that as he was to provide food and raiment for her, so a house to dwell in.

But the generality of interpreters, Jewish and Christian, understand it as we do, of the conjugal duty, the use of the marriage bed, or what the apostle calls due benevolence (1 Cor. 7:3).

The word is thought to have the signification of a fixed time for it.

And the Misnic doctors are very particular in assigning the set times of it for different persons.

And in those countries where there were, and where there still are, plurality of wives, each had, and have their turns (see Gen. 30:15).

This was just a nice way of saying, even if he stopped loving her and found another; he had to support her for the rest of her life.

She had the rights of wife until she died.

Exodus 21:11 "And if he do not these three unto her, then shall she go out free without money."

I.e., one of these three things: (1) Espouse her himself; (2) marry her to his son; or (3) transfer her, on the terms on which he received her, to another Hebrew.

This was just saying if she desired to leave, and she had not been a wife to him or his sons, she could leave without having to pay any money for her freedom.

We suddenly jump from slavery to punishment for various violent acts.

Verses 12-17

The case laws in the Mosaic Law distinguished between two kinds of killing: premeditated murder and involuntary *manslaughter*, or accidental death.

Following the great Flood, God said premeditated murder should be punished by death (Gen. 9:6), but the person who accidentally killed someone could seek refuge at the tabernacle “altar” during the wilderness years or in the cities of refuge after Israel was in the land (Num. 35:6-34; Deut. 19:1-13; Joshua 20:1-9).

Mistreatment of one’s “father or ... mother” was worthy of death as well (Lev. 20:9; Matt. 15:4).

The laws relating to personal injury (verses 15-36) from an ox or an ass were preceded by the most serious of injuries, homicide.

The death penalty was prescribed for intentional homicide only (see 20:13), whereas for unintentional homicide the penalty was banishment to an appointed place, which later God revealed were the cities of refuge (Num. 35:6-24; Deut. 19:1-13).

No degree of sanctuary applied to one guilty of premeditated murder.

Death by accident at the hand of another is something unplanned by man but which God let happen.

The law did afford sanctuary but away from home and vengeful relatives, often for life, because there the one guilty of involuntary manslaughter remained until the death of the High-Priest (Num. 35:25, 28).

Exodus 21:12 "He that smiteth a man, so that he die, shall be surely put to death."

Homicide had been broadly and generally forbidden in the sixth commandment.

But something more was necessary.

Laws are for the most part inoperative unless they are enforced by penalties; and for every case of homicide the same penalty would not be fitting.

Accordingly, we have here first, the assignment of the death penalty for homicide of the first degree, i.e., murder.

And secondly, the provision of a refuge for homicide of the second degree, i.e., manslaughter, or death by misadventure.

The death penalty for murder had already received Divine sanction in the injunctions given to Noah (Genesis 9:6).

Tradition, backed up by conscience, had made it an almost universal law.

The Sinaitic legislation adopted the law into the national code, and lent it additional force by the proviso, which we know to have been carried out in practice (1 Kings 2:28-34), that the murderer was even to be torn from God's altar, if he took refuge there.

We see the act of premeditated murder was to be punishable by death.

Exodus 21:13 "And if a man lie not in wait, but God deliver [him] into his hand; then I will appoint thee a place whither he shall flee."

For the life of another to take it away; or does not do it willingly, as the Septuagint version, does not seek after it, nor design it.

"But God delivers him into his hand":

It being suffered and ordered by the providence of God, without whose knowledge and will nothing comes to pass, even what may seem to be a contingent thing, or matter of chance, to us.

Or it is so brought about in providence, that one man falls into the hands of another, and his life is taken away by him, though not purposely and maliciously.

Because, as Aben Ezra expresses it, for another sin which he has committed, and for which he must die in this way.

Though not intended by the person the more immediate cause of his death.

"Then I will appoint thee a place whither he shall flee":

And there be safe both from the avenger of blood, and the civil magistrate.

Which place, while Israel were in the wilderness, was the camp of the Levites, according to Jarchi, or the altar, as follows.

But when they were come to Canaan's land, there were cities of refuge appointed for such persons, that killed a man unawares, to flee to.

And where they were safe from private vengeance, and falling a sacrifice to public justice.

Here, we see accidental slaying was not to be punished by death.

God would have a place of refuge for this person to go to for safety.

Exodus 21:14 "But if a man come presumptuously upon his neighbor, to slay him with guile; thou shalt take him from mine altar, that he may die."

I.e. do this proudly, boldly, purposely, and maliciously; for so the word signifies.

From mine altar, which not only in the wilderness, but afterward, seems to have been esteemed a place of refuge (1 Kings 1:50), as it also was among the heathens.

But God so abhors murder, that He will rather venture the pollution of His own altar than the escape of the murderer (see 2 Kings 11:15).

This was again, premeditated murder.

It was just saying that God would not protect him.

He could not run to the church for safety. He deserved to die.

Verses 15-17

Disrespect for parents seen in physical and verbal abuse of them by their children was so serious it was designated a capital offense.

Commandment 5 was a serious matter!

Other ancient law-codes, e.g., the Code of Hammurabi, also respected parental authority and prescribed severe consequences, although not the death penalty.

Exodus 21:15 "And he that smiteth his father, or his mother, shall be surely put to death."

"Smiteth" has many meanings.

It means to beat, strike, slaughter, or murder.

I don't believe this meant slap or something like that.

I believe it meant to hit with criminal intent.

So as is before mentioned (Exodus 21:12), so as they die.

And to smite sometimes signifies to kill (as Genesis 4:15; 2 Kings 14:5), compared with (2 Chron. 25:3).

And this may be here added by way of distinction.

That killing of another man which is punished with death, must be done presumptuously; but the killing of parents, though not done presumptuously, is a capital crime.

Or the mere smiting of them, to wit; willfully and dangerously.

Nor will any think this law too severe that considers that this is an act full of horrid impiety against God, who hath so expressly and emphatically commanded children to honor their parents; of highest and most unnatural ingratitude, and utterly destructive to human society.

Exodus 21:16 "And he that stealeth a man, and selleth him, or if he be found in his hand, he shall surely be put to death."

We see here the crime of kidnapping.

God left no doubt in any of these crimes, what the punishment should be.

Our society has gotten to where the criminal's rights are more important than the rights of the victim.

We must get back to Bible laws that work.

Exodus 21:17 "And he that curseth his father, or his mother, shall surely be put to death."

Though he does not smite them with his hand, or with any instrument in it, yet if he smites them with his tongue, reviles and reproaches them, speaks evil of them, wishes dreadful imprecations upon them, curses them by the name explained.

As the Targum of Jonathan calls it, by the name Jehovah, wishing the LORD would curse them, or that his curse might light upon them (see Proverbs 20:20).

"Shall surely be put to death":

Or be killed with casting stones on him, as the Targum of Jonathan.

Or with stoning; so Jarchi, who observes: that wherever it is said, "his blood be upon him", it is meant of stoning.

As it is of the man that curses his father or his mother (Lev. 20:9).

Which was after this manner, the place of stoning was two cubits high, to which the malefactor with his hands bound was brought.

From whence one of the witnesses against him cast him down headlong, of which, if he did not die.

Then they took up stones and cast on him, and if he died not through them, then all Israel came and stoned him.

That is, the multitude upon the spot.

This verse in the Septuagint version follows (Exodus 21:15), with which it agrees, both respecting the same persons.

Matt. 15:4; Mark 7:10.

Sins committed with the tongue seem to be very serious with God.

Cursing God or your parents, was punishable by death.

Exodus 21:18 "And if men strive together, and one smite another with a stone, or with [his] fist, and he die not, but keepeth [his] bed:"

Quarrel and fight, and wrestle with and box one another.

"And one smite another with a stone":

Which lying near him he might take up, and in his passion throw it at his antagonist:

"Or with his fist":

With his double fist, as we express it, with his hand closed, that it might come with the greater force, and give the greater blow.

"And he die not, but keepeth his bed":

Does not die with the blow of the stone or fist, yet receives so much damage by it that he is obliged to take to his bed.

Or, as the Targum of Jerusalem paraphrases it, is cast on the bed sick.

Or, as the Targum of Jonathan, falls into a disease, as a fever, or the like, through the force of the blow, so that he is confined to his room and to his bed.

Exodus 21:19 "If he rise again, and walk abroad upon his staff, then shall he that smote [him] be quit: only he shall pay [for] the loss of his time, and shall cause [him] to be thoroughly healed."

Meaning if one man injured another in a quarrel so as to oblige him to keep his bed, he was free from the liability to a criminal charge (such as might be based upon Exodus 21:12): but he was required to compensate the latter for the loss of his time, and for the cost of his healing.

This was just an example of what they should have to pay if they had caused bodily injury to anyone.

These explanations of the amount of punishment for each crime were actually what the criminal justice system here in the United States was based on.

There really should be no question about sentencing someone, because the punishment for each crime was explicitly set by the LORD Himself.

Exodus 21:20-21 "And if a man smite his servant, or his maid, with a rod, and he die under his hand; he shall be surely punished." "Notwithstanding, if he continue a day or two, he shall not be punished: for he [is] his money."

Punishment of slaves was considered the right of the owner (Prov. 10:13; 13:24), but did not allow for violence.

Judges were to decide the appropriate punishment if the slave died (verse 20).

If the slave lived a few days it was evidence that the owner had no intent to kill, and the loss of the slave was punishment enough (verse 21).

This was not the same as someone missing money, because they were disabled.

Here the man who committed the crime was the one that suffered the loss, because the servant could not work.

Nevertheless no one has the right to injure anyone else, so the one who committed the crime would be punished, but not as severely as he would be if this was not his slave.

Verses 23-24

See Lev. 24:19-20; Deut. 19:21.

The principle of retaliation, or *lex taliones*, applied if injury did occur to either mother or child.

The punishment matched, but did not exceed, the damage done to the victim.

The welfare of a pregnant woman was protected by this law so that unintentional maltreatment constituted culpable negligence.

Significantly for the abortion debate, the fetus was considered a person; thus, someone was held accountable for its death or injury.

Exodus 21:22-23 "If men strive, and hurt a woman with child, so that her fruit depart [from her], and yet no mischief follow: he shall be surely punished, according as the woman's husband will lay upon him; and he shall pay as the judges [determine]." "And if [any] mischief follow, then thou shalt give life for life,"

Compensation was mandatory for accidentally causing a premature birth, even if no injury resulted to either mother or child.

Judges were brought into the legal process so that damages awarded were fair and were not calculated out of vengeance.

“And yet no mischief follow ... and if any mischief follow, then thou shalt give life for life”:

Verse 22 has been mistakenly interpreted as referring to a miscarriage.

The text literally reads, “so that her children go [or come] out.”

The plural for *child* is used, making it clear that a human being is in view, and the plural is generic to cover the contingency of multiple births of either sex.

The Hebrew verb *shakal* would be appropriate to indicate a miscarriage (23:26; Hosea 9:14).

Thus the fetus in the law code is pictured as a human being and feticide is indeed murder (Psalm 139:13, 16; Job 10:18).

An unborn child has the same value before God as any other human being. And if that unborn one is killed through the premeditated action of another, God considers that equivalent to taking the life of the mother.

This was when a fight occurred and caused the woman to miscarry, but was not followed by rape.

Then it would not be punishable by death, but would be punishable by an amount the husband named and the judge approved.

Exodus 21:24 "Eye for eye, tooth for tooth, hand for hand, foot for foot,"

“Life for Life (verse 23) ... eye for eye ... foot for foot”:

These served as guidelines for judges, not as permission for individuals seeking revenge in personal relationships.

This law restricted the exacting of punishment, it must fit the crime (Lev. 24:19-20; Deut. 19:21), thereby preventing the cruel and barbaric punishments that characterized many ancient cultures.

Jesus used this principle as a starting point in teaching His followers not to retaliate (see Matthew 5:38-48).

Exodus 21:25 "Burning for burning, wound for wound, stripe for stripe."

“Eye for eye.”:

The law which authorized retaliation (a principle acted upon by all primitive people), was a civil one.

It was given to regulate the procedure of the public magistrate in determining the amount of compensation in every case of injury, but did not encourage feelings of private revenge.

The later Jews, however, mistook it for a moral precept, and were corrected by our Lord (Matthew 5:38-42).

Any terrible injury to her would be paid for in equal manner.

Exodus 21:26-27 "And if a man smite the eye of his servant, or the eye of his maid, that it perish; he shall let him go free for his eye's sake." "And if he smite out his manservant's tooth, or his maidservant's tooth; he shall let him go free for his tooth's sake."

A beating without death immediately ensuing was construed as a disciplinary matter not a homicidal one.

Any permanent personal injury brought freedom and loss of a master's investment.

The master's power over the slave was thus limited, which made this law unprecedented in the ancient world.

The owner must suffer loss for the crime he had committed.

Setting the slave free costs the owner.

Exodus 21:28 "If an ox gore a man or a woman, that they die: then the ox shall be surely stoned, and his flesh shall not be eaten; but the owner of the ox [shall be] quit."

Injuries to the person might arise either from man or from animals.

Protection from both was needed.

The law given to Noah (Genesis 9:5), had already lain down that whenever a beast killed a man, the animal's life was to be forfeited.

This law was now re-enacted, but with a further and very important proviso.

If the animal had an owner, and the owner had reason to know that it was dangerous, then not only the beast, but the owner also was to be held guilty.

He was to be liable to a process for murder (Exodus 21:29).

But, with the consent of the aggrieved family, might pay a sum of money as compensation instead (Exodus 21:30).

In the case of a slave, the sum was fixed at what was regarded as the standard price of a slave (Leviticus 25:44-46; 27:3), viz., thirty silver shekels.

If the owner was not aware that the animal was a killer, he would not be held responsible for the accident.

He must lose something for the crime, so he loses the animal.

He could not save the meat.

The animal was to be killed.

Exodus 21:29 "But if the ox were wont to push with his horn in time past, and it hath been testified to his owner, and he hath not kept him in, but that he hath killed a man or a woman; the ox shall be stoned, and his owner also shall be put to death."

What if an ox gores a man or a woman that they die

For the purpose of sanctifying human blood, and representing all injuries affecting life in a serious light, an animal that occasioned death was to be killed or suffer punishment proportioned to the degree of damage it had caused.

Punishments are still inflicted on this principle in Persia and other countries of the East.

And among a rude people greater effect is thus produced in inspiring caution, and making them keep noxious animals under restraint, than a penalty imposed on the owners.

"The ox shall be stoned":

As is provided for the preceding law.

"And his owner shall be put to death":

Since he was accessory to the death of the person killed, not keeping in his beast, when he had sufficient notice of his vicious temper.

The Targum of Jonathan, and other Jewish writers, interpret this of death sent upon him from heaven.

Or death by the immediate hand of God, as sudden death, or death by some disease inflicted, or before a man is fifty years of age.

But there is no doubt to be made but this intends death by the civil magistrate, according to the original law (Genesis 9:6).

We see here, negligent homicide.

The owner should have killed the animal the first time he heard that it was dangerous and not taken a chance on someone's life.

His negligence had caused this person's death.

The punishment was death for him and the animal.

Exodus 21:30 "If there be laid on him a sum of money, then he shall give for the ransom of his life whatsoever is laid upon him."

Animal owners were held responsible for death or injuries caused by their animals.

Since the owner was guilty of negligence and not of an intentional crime, he was able to make payment to escape the death penalty.

Again, judges are brought into the process to ensure that no vengeful decisions are made.

This was not the option of the owner of the animal, but the option lay with the family of the deceased.

If they were willing to settle for a cash payment instead of killing him, he was to pay it and not protest.

Exodus 21:31 "Whether he have gored a son, or have gored a daughter, according to this judgment shall it be done unto him."

This is observed, because only a man or woman is made mention (in Exodus 21:29), of persons grown up.

And lest it should be thought that only adult persons were intended, this is added, to show that the same regard is had to little ones as to grown persons, should they suffer by an ox in like manner as men and women may.

The Targum of Jonathan restrains this to a son or daughter of an Israelite; but the life of everyone, of whatsoever nation, is equally provided for, and guarded against by the original law of God.

"According to this judgment shall it be done unto him":

To the owner of the ox that has gored a child, male or female; that is, he shall be put to death, if he has been warned of the practice of his ox for three days past, and has took no care to keep him in.

Or he shall pay the ransom of his life, as it has been laid by the court, with the consent of the relations of the children.

In this, there was no male or female.

The punishment is the same.

Exodus 21:32 "If the ox shall push a manservant or a maidservant; he shall give unto their master thirty shekels of silver, and the ox shall be stoned."

“Shekels”:

A shekel weighs .4 ounces; 30 shekels would weight 12 ounces.

Christ was betrayed for the price of a slave (Zech. 11:12-13; Matt. 26:14-15).

The price of a slave was thirty pieces of silver.

The master had lost his property, so he was the one to receive money to offset his loss.

Exodus 21:33 "And if a man shall open a pit, or if a man shall dig a pit, and not cover it, and an ox or an ass fall therein;"

That has been dug in time past and filled up again, or take the covering from it, and leave it uncovered.

"Or if a man shall dig a pit, and not cover it":

A new one, in the street, as the Targum of Jonathan.

Or in a public place, as Jarchi and Aben Ezra.

Otherwise a man might dig one for water, in his own fields, in enclosed places, where there was no danger of cattle coming thither, and falling therein.

"And an ox or an ass fall therein":

Or any other beast, as Jarchi observes.

For these are mentioned only as instances, and are put for all others.

Maimonides says, "if a man digs a pit in a public place, and an ox or ass fall into it and die, though the pit is full of shorn wool, and the like, the owner of the pit is bound to pay the whole damage.

And this pit (he says), must be ten hands deep; if it is less than that, and an ox, or any other beast or fowl fall into it and die, he is free.

Exodus 21:34 "The owner of the pit shall make [it] good, [and] give money unto the owner of them; and the dead [beast] shall be his."

Having paid the full value of the live animal, the owner of the well was entitled to make what he could by the carcass.

This was just saying that the animal's owner should be reimbursed for his loss, because of the carelessness of the one who dug the pit.

The digger had to pay for his carelessness.

Exodus 21:35 "And if one man's ox hurt another's, that he die; then they shall sell the live ox, and divide the money of it; and the dead [ox] also they shall divide."

Not equally, for so the owner of the mischievous ox might be the gainer by the mischief, his ox being much worse than that which was killed.

But in such proportions as the judges shall think fit, considering the worth of the cattle, and the circumstances of the action.

There was no way to determine fault here.

They divided the money and ox, so no one loses.

Exodus 21:36 "Or if it be known that the ox hath used to push in time past, and his owner hath not kept him in; he shall surely pay ox for ox; and the dead shall be his own."

If it is a plain case, and a thing well known in the neighborhood, and there are witnesses enough to testify it, that it has yesterday, and for two or three days running, pushed with his horns men and cattle, as they have come in his way (see Exodus 21:29).

"And his owner hath not kept him in":

Took no care to prevent his doing mischief by putting him into a barn or out house, or into an enclosure, where he could do no damage to any.

"He shall surely pay ox for ox.

That is, he shall give as good an ox to him, whose ox has been killed by his, as that was, or pay him the full worth and value of it".

"And the dead shall be his own":

Shall not be divided as in the preceding case, but shall be the proprietor's wholly, that is, the sufferer's.

Because the owner of the vicious ox took no care of him, though it was well known he was mischievous, for which negligence he was punished this way.

The owner, who was negligent, would have to get the man whose ox was killed another ox. But the negligent man would get the dead ox.

Exodus Chapter 21 Questions

1. How many years should a Hebrew servant serve, before he was set free?
2. What should he pay for his freedom at that time?
3. If he brought a wife with him, what happened to her when he was freed?
4. For what two reasons was a Hebrew made a slave?
5. If the master gave him a wife, after he came and she had children, what happened to her and the children, if he left?
6. What happened, if the servant didn't want to go?
7. What was the sale of a daughter like?
8. How did her servitude differ from the man's?
9. Could he just sell her to anyone?
10. If he had bought her for his son, how should he treat her?
11. If he got another wife, what obligations did he have to the purchased female?
12. How could she receive freedom without money?
13. What punishment was for a man, who killed another not accidentally?
14. What happened to one who accidentally killed someone?
15. Premeditated murder would be punished by what?

16. If a man killed his father, what was the punishment?
17. What would the punishment for kidnapping be?
18. What was the punishment for cursing mother and father?
19. If you crippled a man, what was the punishment?
20. What department of government in the United States was set up by these laws in Exodus?
21. If a woman was caused to miscarry, what punishment was in line for the person causing it?
22. If she was raped or damaged, what would be the punishment for the one who caused it?
23. If a man put his servant's eye out, what would the punishment be to the master?
24. What was the punishment if an ox gored a man, and the owner knew he was a bad animal?
25. Was the penalty the same if a man or woman was killed?
26. What was the price of a slave?
27. If a man opened a pit, and did not close it, and an ox fell in it, what must the man pay?
28. If an animal killed another animal in a fair fight, how did they settle it?