

# Exodus 21:28-36

<https://thebiblesays.com/commentary/exod/exod-21/exodus-2128-36/>

*This passage is concerned with other things that could cause injury to a person and their livelihood. A violent ox, the loss of livestock by negligence, or one ox killing another.*

Verses 28 – 32 concerns various scenarios involving an ox. First, *If an ox gores a man or a woman to death, the ox shall surely be stoned and its flesh shall not be eaten; but the owner of the ox shall go unpunished.* Here was a situation where an animal (specifically an ox) kills (*gores*) a person (*man or woman*). As judgment, only the *ox* is killed, but the owner is not punished. The owner is not considered liable for the deed of his animal. However, once the animal is proven to be dangerous to human life, that animal must be killed, in order to prevent additional damage to humans.

The second *ox* scenario is a variation of the first. It involved an ox that was known to be potentially violent. Here, it was *known that the ox was previously in the habit of goring*. On top of that, *its owner has been warned*. But in spite of it, the owner *does not confine it*, resulting in the killing of *a man or a woman*. This situation describes what is currently called negligence

The punishment in this case was that both *the ox shall be stoned and its owner also shall be put to death*. The owner deserves death because he knew the danger and did nothing to prevent it. But v. 30 states that *if a ransom is demanded of him, then he shall give for the redemption of his life whatever is demanded of him*. That is, the owner can pay a “ransom” to redeem himself and avoid the death penalty. This provides immense negotiating leverage on the part of the aggrieved to gain compensation, for if the parties cannot come to agreement, the owner of the ox *shall be stoned* by the community. Presumably the community would have some insight into the reasonableness of the parties, but clearly the owner of the offending ox is expected to pay.

The same guideline applied *whether it gores a son or a daughter, it shall be done to him according to the same rule*. Sons and daughters were no less valued than adults, so the same rule applied to them. Next, *if the ox gores a male or female slave, the owner shall give his or her master thirty shekels of silver, and the ox shall be stoned*. The servant’s labor is valuable, so the ox’s owner must compensate the injured servant’s master for his economic loss. In

the case of a servant, the economic loss was fixed. In the case of a family member it had to be negotiated, and if the ox owner was unreasonable, he was to be put to death.

The passage moves on to another circumstance, where *a man opens a pit, or digs a pit and does not cover it over, and an ox or a donkey falls into it*. A person could dig a pit for his own purposes, but he had an obligation to protect people and animals from injury by falling into the pit. Here, the discussion is limited to *an ox or a donkey*, both of which are considered valuable because they are work animals and their loss would be economically detrimental to their owner. If an animal is injured or killed, *the owner of the pit shall make restitution; he shall give money to its owner, and the dead animal shall become his*. In other words, the pit owner needed to pay the animal's owner money to compensate for the loss of the animal. The dead animal became the property of the pit owner as well.

The last case in this group involves one animal injuring another animal owned by someone else. The rule was to be that *if one man's ox hurts another's so that it dies, then they shall sell the live ox and divide its price equally; and also they shall divide the dead ox*. If two animals fought and one died as a result, then the *live ox* should be sold and the money divided *equally* between the owners. They should also divide the *dead ox* equally in order to provide food for both owners. The exception to this rule is *if it is known that the ox was previously in the habit of goring, yet its owner has not confined it, he shall surely pay ox for ox, and the dead animal shall become his*. This exception, like the previous ones, involve neglect. One must control animals that are known to be dangerous.

This last group of statutes dealing with negligence was given to teach the Israelites that they had an obligation to consider the safety of others by removing or controlling known hazards.

The LORD is the giver of life ([Genesis 2:7](#)), and He wants His covenant people to be responsible for providing a safe environment for others. By doing what is right, the Israelites would remain loyal and faithful to their holy Suzerain (Ruler) God. If Israel would be self-governing, and treat others as they would be treated, then they would rightly be called a "kingdom of priests," "a holy nation," and God's "own possession." ([Exodus 19:4-6](#)).

### **Biblical Text:**

<sup>28</sup> **"If an ox gores a man or a woman to death, the ox shall surely be stoned and its flesh shall not be eaten; but the owner of the ox shall go**

unpunished. <sup>29</sup> If, however, an ox was previously in the habit of goring and its owner has been warned, yet he does not confine it and it kills a man or a woman, the ox shall be stoned and its owner also shall be put to death. <sup>30</sup> If a ransom is demanded of him, then he shall give for the redemption of his life whatever is demanded of him. <sup>31</sup> Whether it gores a son or a daughter, it shall be done to him according to the same rule. <sup>32</sup> If the ox gores a male or female slave, the owner shall give his *or her* master thirty shekels of silver, and the ox shall be stoned.

<sup>33</sup> “If a man opens a pit, or digs a pit and does not cover it over, and an ox or a donkey falls into it, <sup>34</sup> the owner of the pit shall make restitution; he shall give money to its owner, and the dead *animal* shall become his.

<sup>35</sup> “If one man’s ox hurts another’s so that it dies, then they shall sell the live ox and divide its price equally; and also they shall divide the dead *ox*. <sup>36</sup> Or *if* it is known that the ox was previously in the habit of goring, yet its owner has not confined it, he shall surely pay ox for ox, and the dead *animal* shall become his.