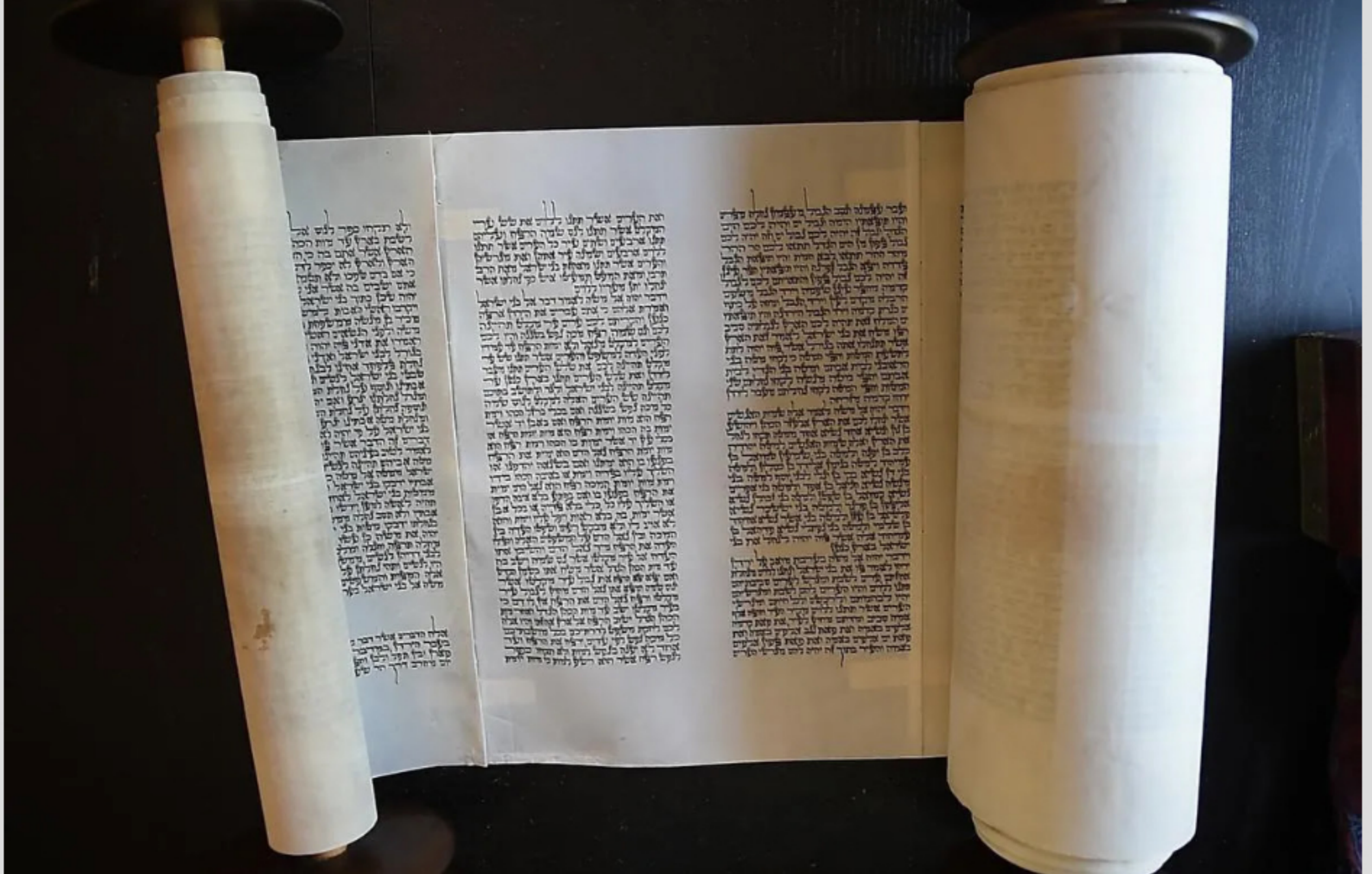


Faith Matters: An eye for an eye? Biblical law of retaliation can spark considerable debate

Careful reading of Torah's original Hebrew helps clarify intent of the famous injunction, writes Rabbi Moshe Meirovich

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The Law of “,” The Law of Retaliation, appears three times in the Torah, the Five Books of Moses.

It appears in 1) Exodus 21:22-25; Leviticus 24: 19-20 and Deuteronomy 19: 16-21.

Here we discover the unique phrase, “life for a life, an eye for an eye, a tooth for a tooth etc.” In other words, an equivalent form of retaliation or punishment.

Yet, a careful read of the original Hebrew helps clarify the original intent.

The crucial word “*tachat*” translated into English as “for” actually means “in place of” or “instead of.”

How so? Two examples from the Book of Genesis: “And Adam was once again intimate with his wife and she had a son and named him Seth, for God has provided me with another offspring *tachat* Abel-’in place of Abel’ for Cain had killed him.” (4:25)

Additionally, we read: “When Abraham looked up, his eye fell upon a ram, caught in the thicket by its horns. So, Abraham went and took the ram and offered it as a burnt offering ‘*tachat b’no*’ in place of his son.” (22:13)

Thus, to implement the law of *Lex Talionis* it would be unreasonable for a court of law to precisely mete out punishment to the precise degree as the damage inflicted on the victim.

For example, if a person broke someone’s arm, the quid pro quo would demand the exact same fracture, no more nor less. Accordingly, Jewish law adjudicated monetary compensation i.e., the value of an eye, “in place of” an eye.

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

In fact, this idea requiring monetary restitution for certain kinds of damage already exists in the Torah.

“When individuals quarrel and one strikes the other with a stone or fist so that the injured party, though not dead, is confined to bed ... the assailant shall be free of liability except to pay for the loss of time ...” (Exodus 21: 18-19)

Financial restitution ubiquitously was proportionate to all injuries.

Most interestingly, the Talmud also recorded a dissenting opinion as to the value of whose eye does the principle of *Lex Talionis* apply to. The value of the victim’s eye or the value of his own eye?

Rabbi Eliezer concluded that indeed, the perpetrator did not pay for the replacement value of the victim’s eye; rather the value of his *own* eye which by all rights should be forfeited.

Thus we see, the principle of *Lex Talionis* spawned rabbinic discourse that highlighted both the value of life and at the same time the appropriate dispensation of justice.