



by Rabbi Dr Raymond Apple z"l

MISHPATIM

An Eye for an Eye

It is unfair when a text is distorted and misunderstood. But this has often been the fate of the passage, "An eye for an eye, a tooth for a tooth..." (Sh'mot 21:24).

Torn out of context, quoted without regard to its obvious purpose, the verse has been accused of teaching primitive vengeance and barbarously taking the law into one's own hands.

Not only has this canard been used to denigrate the Jewish Bible; it has become part of the stock in trade of those who accuse the Jews of being a stern, tribalistic, legalistic people with a stern, tribalistic, legalistic God.

Evidence that this is a distortion of the facts has been constantly advanced over many centuries; hopefully fair-mindedness and reasonable scholarship will ensure that justice will finally prevail.

One of the best defences of the real meaning of the verse was written by the Cambridge scholar, Herbert Loewe.

He asks, what is one of the primary

functions of a state or organised society?

To afford security to its citizens, all of them, great and small, rich and poor.

It does not leave it to the individual to do their own thing when a wrong has been committed; it makes the administration of justice the task of society and its settled courts, on the principle that equality of penalty is maintained without fear or favour.

Penalties, if necessary, are imposed "as the judges determine" (21:22). Guidelines are provided for the judges; they too cannot do their own thing but must serve the cause of justice for all their citizens.

If someone injures another person's eye, "an eye for an eye" does not sanction gouging out the eye of the guilty party. The words are dramatic, but they establish a principle: the punishment must fit the crime. The punishment must not be out of proportion, nor must a rich person suffer less and a poor person suffer more.

"An eye for an eye" is not an invitation to a private blood feud, nor does it imply that a physical injury may be punished with a reciprocal physical injury.

The context makes it clear that we are talking about the payment of compensation, and whilst no amount

of monetary compensation can bring back an eye, a limb or life, at least it enables society to express its strong collective disapproval of what has been done. -OZ

Y'HI ZICHRO BARUCH