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MINISTRIES

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Parashah Points: Mishpatim – The Law of Retaliation

Welcome to another episode of Parashah Points—short thoughts from the weekly Torah Portion.

This week’s Parashah Point comes from Mishpatim, which is Hebrew for “Judgments,” and it goes from Exodus 21:1 to Exodus 24:18.

In this Torah Portion, Moses sets out a series of laws governing many different things: Slavery, property, restitution, the Shemittah and Yovel—that is, the Sabbatical year and Jubilee—and the three pilgrimage festivals.

The parashah concludes with Israel’s acceptance of the covenant with God followed by Moses ascending Mount Sinai to get the tablets of stone.

There’s a lot we can talk about in this Torah Portion. Today we’re going to share a thought concerning the “Law of Retaliation.”

Exodus 21:23-25

But if there is harm, then you shall pay life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe.

A common criticism you’ll hear from atheists and others about the Bible is that it’s primitive and barbaric. Often the *lex talionis*, or Law of Retaliation, is cited in support of such an assertion.

Critics claim that this law says that someone who gouges out another’s eye, perhaps during a fight, must likewise have their eye gouged out. Thus, the Torah is cruel and evil since it promotes mutilation as a means of punishment.

But are these criticisms valid? Not at all. First, eye for an eye, tooth for a tooth, etc., were never intended to be taken as real punishments. No Torah-observant community throughout history has ever interpreted them literally.

The Talmud, a body of Jewish exegesis and commentary on the Torah, gives us some insight into how these laws were always understood. It goes so far as to say that the idea that these punishments are literal shouldn't even enter one's mind:

The Merciful One states in the Torah: "An eye for an eye" (Exodus 21:24). You might say that this means that the one who caused injury shall lose an actual eye rather than pay money. The Gemara responds: **That interpretation should not enter your mind.**

-b.Bava Kamma 83b

So how were these punishments applied? According to the rabbinic literature, the restitution took the form of monetary compensation:

One who injures another is liable to **pay compensation** for that injury due to five types of indemnity: He must pay for damage, for pain, for medical costs, for loss of livelihood, and for humiliation. How is payment for damage assessed? If one blinded another's eye, severed his hand, broke his leg, or caused any other injury, the court views the injured party as though he were a slave being sold in the slave market, and the court appraises how much he was worth before the injury and how much he is worth after the injury. The difference between these two sums is the amount that one must pay for causing damage.

-b.Bava Kamma 83b

The only punishment that is taken literally from this list is "life for life." The death penalty is prescribed for the crime of murder. But the rest in the list are not taken literally.

This isn't all that different from how most courts today handle similar types of cases. Thus, the objection that this Torah legislation is cruel and primitive breaks down. In fact, the justice system we have in the western world today has been largely shaped by Judeo-Christian values as expressed in Scripture.

Furthermore, when we compare the Torah with other ancient Near Eastern law codes, it can easily be seen how *morally superior* the Torah is.

Consider, for example, the Middle Assyrian Laws, which literally sanctioned retaliatory rape. If a married man raped someone, his wife was to be taken from him and raped, too (The Middle Assyrian Laws A55). Or consider the Code of Hammurabi, which says that if a builder constructs a house that collapses and accidentally kills the son of his client, one of the builder's sons was to be taken and killed (Laws of Hammurabi 230).

In contrast to these other law codes, which often inflicted punishments on innocent people, the Torah was revolutionary for its time. The Torah demands that legal penalties be limited only to the guilty party, not extended to innocent family members.

Another way this law was revolutionary is that it ensured limits on punishment. The victim received appropriate restitution, and the guilty party was not subject to unjust, excessive retribution.

The Law of Retaliation also promoted equality. There was no partiality between the rich and the poor. Unlike other ancient law codes, which imposed different monetary amounts depending on the status of the injured individual, the Torah teaches that the eye of a rich person is not worth more than the eye of a

poor person.

Despite the complaints of critics, God's divine wisdom and justice shine through every part of His Word. For more information on this law, including Yeshua's comments on it in the New Testament, see our teachings [Eye for an Eye](#) and [The Sermon on the Mount](#).

Thank you for joining us for another Parashah Point!

We pray you have been blessed by this teaching. Remember, continue to test everything. Shalom! For more on this and other teachings, please visit us at www.testeverything.net

Shalom, and may Yahweh bless you in walking in the whole Word of God.

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