

Parashat Mishpatim

An Eye for \$100, A Tooth for About Ten Bucks

Several interpretations of "an eye for an eye" all provide valuable insights into ethical lessons of the Torah.

By Rabbi Ben Lanckton

Provided by [Hillel's Joseph Meyerhoff Center for Jewish Learning](#), which creates educational resources for Jewish organizations on college campuses.

"If everyone lived by 'an eye for an eye and a tooth for a tooth,' the world would be blind and toothless." --Teveye, [Fiddler on the Roof](#)
Teveye may not have realized it, but he summarized, very accurately, the [Talmud's](#) understanding of "an eye for an eye," which first appears in this week's Torah portion, Mishpatim.

Last week, we heard *Aseret Hadibrot*, the [Ten Commandments](#), the headlines of Jewish belief and ethics. Imposing and impressive, they convey moving moral messages. Yet they say little about the details of how to live an ethical Jewish life.

This week, the Torah turns its attention to the details of Jewish law and practice: "*Mishpatim*" = ordinances, rules, regulations. There are more specific [mitzvot](#) (commandments), more explicit commands, in this week's portion than in almost any other.

The abundance and variety of these mitzvot reinforce an ancient insight of Judaism: there is an innate connection between the ritual and the spiritual, between the ethical and the ethereal. In our portion, "mundane" matters of diet and farming mingle with "profound" issues of personal sacrifice and capital punishment. Every moment, mundane or profound, carries the potential for holiness.

The potential for holiness actualizes most acutely in matters of justice, deciding between right and wrong. In matters of personal injury, Mishpatim sets out one of the most (wrongly) infamous passages of the Hebrew Bible. Consider this oft-quoted phrase in its

actual context:

Exodus 21:22-21:27

(translation Everett Fox, *The Five Books of Moses*)

When two men scuffle and deal a blow to a pregnant woman, so that her children abort-forth, but other harm does not occur, he is to be fined, yes, fined, as the woman's spouse imposes for him, but he is to give it only according to the assessment.

But if harm should occur, then you are to give life in place of life--eye in place of eye, tooth in place of tooth, hand in place of hand, foot in place of foot, burnt-scar in place of burnt-scar, wound in place of wound, bruise in place of bruise.

When a man strikes the eye of his serf or the eye of his handmaid, and ruins it, he is to send him free at liberty for the sake of his eye; if the tooth of his serf or the tooth of his handmaid he breaks off, he is to send him free at liberty for the sake of his tooth.

Questions to consider:

1. What does and an eye "cost?" A tooth? A bruise?
2. What if a blind man took out a seeing man's eye? Or a toothless man knocked out someone's tooth?
3. Does the servant get better or worse treatment than the average citizen based on these verses?

The Big Question: Does an eye for an eye really mean an eye for an eye?

Answer One:

The Talmud comments (Tractate Baba Kamma, 84a):

"An eye in place of an eye" means monetary compensation; if you want to argue that it means an actual eye, look at what Rav Ashi says:

Later in the Torah, we learn (in the case of a man who has been caught having sex with an unengaged virgin) that the phrase "in place of" means monetary compensation--just as it means money there, so too it means money here.

Come on, really? Answer two:

The Talmud comments (same place):

IF the Torah really meant an eye for an actual eye, THEN there would be no way to punish a blind blinder or a toothless dental assailant.

SO the Torah must really mean monetary compensation. BUT if it meant "money," why didn't it just say "money?" BECAUSE the Torah comes to teach that taking a life, an eye, a tooth, is so wrong IT IS AS IF the offending party should lose what they themselves have taken.

But what did this mean way back when? Answer three:

Everett Fox, footnote to this passage:

This has historically been taken to indicate a kind of strict Hebrew vengeance, as in the current expression "an eye for an eye." But the passage (note, by the way, its length) may have been meant as a contrast to the Babylonian system, where the rich could in essence pay to get out of such situations. In Israel this could not be done, and thus we are dealing not with "strict justice" but with strict fairness.

A Final Thought

Whichever interpretation you find most compelling, in each case the Torah refutes a mistaken opinion that the reader held before encountering this passage. The laws of the Torah usually come to teach something unexpected, some new way of considering an ethical situation that its readers may not have considered. We read the Torah to discover these new insights; we reread the Torah, every word every year, to find new, even more relevant meanings in the insights we discovered the year before.



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