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Mishpatim:
An Eye for an Eye: *Peshat* and the Problem of Equivalence

An excellent opportunity to study the relationship between the Written and Oral Law arises from a consideration of the famous verse in Mishpatim, *ayin tahat ayin* —“an eye for an eye” (Exodus 21:24). The Oral Law, as reflected in the Talmud, understands this law to require monetary compensation—and not corporal punishment—for one who physically injures another (Mishnah Bava Kamma 8:1).

The Talmud cites a succession of proposals that would ground monetary compensation in the plain sense of the verses. Neither logic nor close reading can generate an airtight proof. Among its arguments, the Talmud observes that one person’s eyesight is stronger than another’s; what justice looks like when a blind man injures another’s eye is unclear; and serious bodily injuries frequently trigger cascading complications, including the risk of death. The Talmud recognizes the intuitive reasonableness of monetary compensation, yet it lacks demonstrative proof from the text itself.

This gap between normative halakhah and textual certitude animates the post-Talmudic search for *peshat*. Medieval exegetes seek to show that the Oral Law is not merely authoritative, but exegetically compelling.

Rabbi Saadiah Gaon, as cited by Ibn Ezra, articulates a set of rules for interpretation. Scripture cannot demand what is impossible or absurd, and a

verse must be reinterpreted if it contradicts the living rabbinic tradition. Applying these rules, Rabbi Saadiah argues that literal measure-for-measure injury cannot have been the Torah's intent, since its implementation would inevitably violate proportionality and risk exceeding the proper punishment.

Ibn Ezra maintains that a halakhic passage can sustain multiple plausible readings, but only one constitutes the true *peshat*. When the text does not yield a definitive conclusion—as in our case—one must rely on the living tradition to inform us of the true meaning. Tradition thereby supplies the decisive reading where the text alone does not.

Rambam develops a multifaceted analysis of this question. In *Hilkhot Ḥovel u-Mazik* (1:3–6), he argues that compensation is the evident meaning of Scripture, since a nearby passage already requires compensation for a physical wound (Exodus 21:18–19). Consistency across the unit points toward monetary damages as the *peshat*. The Oral Law then confirms that this is indeed the halakhic conclusion. For Rambam, the Torah's formulation is also philosophically exact: monetary payment serves as a ransom for the injury that, in principle, the offender deserves to suffer. Only in cases of murder is ransom prohibited (Numbers 35:31), since the equivalence of life cannot be redeemed.

If, hypothetically, one were to decide the matter from Scripture alone and without appeal to the Oral Law, these three medieval authorities would diverge in their approaches. For Rabbi Saadiah, reason would compel compensation, establishing this as the proper meaning of the verse. For Ibn Ezra, the text would remain open to different interpretations; we would rely entirely on tradition to provide the correct meaning. For Rambam, internal consistency favors monetary payment through the parallel law of compensatory wounds.

Why would the Torah use the formulation, "an eye for an eye," instead of simply stating explicitly that there must be monetary compensation? Both Ibn Ezra and Rambam maintain that the Torah's lex talionis formulation teaches something beyond the legal outcome. The offender *deserves* to lose an eye. Halakhically he pays. Morally, the Torah insists on the measure-for-measure equivalence.