

MIQDASH BETHEL COVENANT INSTITUTION

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DOCUMENT 193

AYIN TACHAT AYIN — “EYE FOR EYE”

THE COVENANT LAW OF PROPORTIONAL JUSTICE

A Covenant Deep Dive into Shemot (Exodus) 21:24, Vayikra (Leviticus) 24:19–20, and Devarim (Deuteronomy) 19:21

*Why the Written Torah's Law of Retaliation Is a Ceiling on Vengeance, Not a License for It —
A Three-Religion Covenant Response*

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REACHING JUDAISM, CHRISTIANITY, AND ISLAM

☆ JUDAISM	† CHRISTIANITY	☪ ISLAM
The Mishnah and Talmud (Bava Kamma 83b–84a) read <i>ayin tachat ayin</i> as fixed monetary compensation for five categories of damage, never literal mutilation. The written text itself, read against Shemot (Exodus) 21:26–27 , supports this covenant reading.	Yeshua's words in Matthew 5:38–39 are read by Christian tradition as an ethic for the individual believer's response to personal offense — not a repeal of Israel's judicial statute, which remained the covenant's standard for courts restraining the severity of a sentence.	The Qur'an (Surah al-Ma'idah 5:45) explicitly confirms the <i>Tawrat</i> 's law of <i>qisas</i> (قِصَاص, retaliation in kind) as revealed statute — while commending forgoing it as an act of charity.

DOCTRINAL AUTHORITY — STANDING RULE OF MIQDASH BETHEL COVENANT INSTITUTION

The sole binding authority of Miqdash Bethel Covenant Institution is the *Tanakh* — the written covenant of **Yahweh**. No Talmudic tractate, Church council decree, papal encyclical, hadith collection, or extra-biblical tradition carries doctrinal weight equal to or greater than the written Torah. Where any

tradition conflicts with the written covenant, the written covenant governs without exception. The Talmud, New Testament, and Qur'an are cited as historical reference and comparative witness — never as superseding authority. Miqdash Bethel uses the Written Tanakh as its sole source for four reasons: it is the only text Judaism, Christianity, and Islam all recognize as originally given by **Yahweh**; it predates and underlies the Talmud, New Testament, and Qur'an, so testing those traditions against it follows the evidentiary direction of **Devarim (Deuteronomy) 19:15** — the earlier witness governs the later commentary; every later tradition that departs from the *Tanakh* does so by addition or reinterpretation, never by overturning the text itself, so the text remains the fixed standard; and **Yahweh's** own words declare the covenant unchanging (**Malachi 3:6; Tehillim (Psalms) 119:89**), making the written covenant — not evolving institutional interpretation — the only stable ground for doctrine. All three great covenant traditions — Judaism, Christianity, and Islam — are addressed simultaneously and equally in every Miqdash Bethel document, because **Yahweh's** covenant belongs to every nation that will receive it. The **Devarim (Deuteronomy) 19:15** two-or-three-witness evidentiary standard governs all textual claims in this document.

HOW TO READ THIS DOCUMENT

This document applies the sole authority of the written *Tanakh*. **Yahweh** (יהוה) and **Elohim** (אלהים) appear in bold throughout. Hebrew book names are given with English in parentheses. Hebrew transliterations appear in ***bold italic*** with English meaning in parentheses at every occurrence. Scripture references are bold. Three audiences are addressed simultaneously: Judaism, Christianity, and Islam. Rabbinic commentary, New Testament texts, and the Qur'an are cited as historical and comparative reference — not as binding authority. The Written Tanakh governs all conclusions.

TANAKH BOOKS CITED IN THIS DOCUMENT

DIVISION	BOOKS CITED	PURPOSE IN THIS STUDY
Torah	Shemot (Exodus), Vayikra (Leviticus), Bemidbar (Numbers), Devarim (Deuteronomy)	The three primary lex talionis texts and their judicial and evidentiary context
Nevi'im (Prophets)	Yeshayahu (Isaiah)	The prophetic vision of restored justice — swords into plowshares
Ketuvim (Writings)	Mishlei (Proverbs)	Wisdom witness against private vengeance

I. THE THREE TEXTS — TEXT AND COVENANT CONTEXT

I-A. Shemot (Exodus) 21:22–25 — The Covenant Code (Mishpatim)

The first occurrence sits inside the *Mishpatim* (מִשְׁפָּטִים, ordinances) — the Covenant Code given immediately after the revelation at Sinai. The immediate case is a fight between men that injures a pregnant woman: “if men struggle and hurt a pregnant woman so that she miscarries, yet no lasting harm follows, the one responsible shall surely be fined... but if lasting harm follows, then you shall give *nephesh* (נֶפֶשׁ) *tachat* (תַּחַת) *nephesh* — life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe.” (Shemot (Exodus) 21:22–25) The statute is not introduced as an abstract principle of cosmic justice — it is a specific judicial remedy embedded in a case about bodily injury inflicted in the course of ordinary human conflict.

I-B. Vayikra (Leviticus) 24:19–20 — The Holiness Code

The second occurrence appears in Vayikra (Leviticus) 24, immediately following the account of the blasphemer stoned outside the camp. Yahweh instructs Moshe (Moses): “If anyone maims his fellow, as he has done, so shall it be done to him: fracture for fracture, *ayin* (עֵין) *tachat ayin, shen* (שֵׁן) *tachat shen* — the injury he has inflicted on another shall be inflicted on him.” (Vayikra (Leviticus) 24:19–20) Here the principle is stated as a general covenant rule governing any Israelite who inflicts injury on his covenant neighbor — legal equality under a single standard, regardless of the social rank of either party.

I-C. Devarim (Deuteronomy) 19:16–21 — The Law of the Malicious Witness

The third occurrence stands in an entirely different judicial setting: the trial of a *ed chamas* (עֵד חָמָס, a witness of violence — a malicious false witness) who has risen up to testify falsely against his neighbor. If the court’s investigation exposes the witness’s testimony as false, “then you shall do to him as he intended to do to his fellow... life for life, *ayin tachat ayin, shen tachat shen*, hand for hand, foot for foot. Your eye shall not pity: life for life.” (Devarim (Deuteronomy) 19:19, 21) This is the only one of the three occurrences addressed explicitly to judges rather than to the general covenant community, and it governs a single, narrow scenario: a conspiracy to inflict false judicial harm on an innocent neighbor.

Per the Devarim (Deuteronomy) 19:15 two-or-three-witness standard, these three independent occurrences — in three distinct legal settings across two books — corroborate a single covenant principle: the punishment inflicted by a court may never exceed the injury actually done. This is the ceiling the covenant sets on judicial and retributive severity.

II. THE HEBREW VOCABULARY OF PROPORTIONAL JUSTICE

The single Hebrew word carrying the entire theological weight of this law is *tachat* (תַּחַת), Strong’s H8478. According to BDB (Brown-Driver-Briggs), *tachat*’s root meaning is ‘underneath, below, in place of, instead of.’ It is not the ordinary Hebrew preposition for simple ‘to’ or ‘for’ (that would be *le*, לֵ).

Yahweh chose a preposition of substitution and equivalence — one thing standing *in the place of* another — rather than a preposition that could be read as simple retribution or transfer. Rabbinic and later scholarly readings (among them the Vilna Gaon and the Aramaic Targum Onkelos, which renders the phrase using *mamon*, ‘money, value’) have long taken this substitutionary sense as textual support for reading the statute as compensation calculated *in place of* the literal limb — not the literal limb itself. This is presented here as historical rabbinic commentary, not as binding Miqdash Bethel doctrine; the written text alone governs, and it is examined structurally in Section III below.

The remaining key terms:

HEBREW	TRANSLITERATION / STRONG'S	MEANING AND FUNCTION
נֶפֶשׁ	<i>nephesh</i> — H5315	Life, soul, living being. The base term of the entire formula — life is the first and highest value protected.
עַיִן	<i>ayin</i> — H5869	Eye. Appears identically in all three texts — the anchor term of the phrase.
שֵׁן	<i>shen</i> — H8127	Tooth.
יָד	<i>yad</i> — H3027	Hand.
רֶגֶל	<i>regel</i> — H7272	Foot.
תַּחַת	<i>tachath</i> — H8478	Underneath / in place of / instead of. The substitutionary hinge of the entire formula.

III. THE RABBINIC READING — MONETARY COMPENSATION

From the earliest recorded rabbinic engagement with this statute, Jewish legal tradition has read *ayin tachath ayin* as requiring the payment of five categories of monetary damages rather than the literal removal of the offender’s eye. The Talmud (**Bava Kamma** 83b–84a) itemizes these categories: *nezek* (נֹזֶק, the diminished value of the injured party caused by the injury itself), *tza’ar* (צָעַר, pain), *ripui* (רִפּוּי, medical costs), *shevet* (שִׁבָּת, loss of livelihood during recovery), and *boshet* (בִּשְׁת, humiliation).

This reading is not an innovation imposed on the text from outside; it is defended from within the written Torah itself, using the two-or-three-witness standard. First, **Shemot (Exodus) 21:26–27** states that if a master strikes out the *ayin* or *shen* of his servant, the servant goes free — the master does not lose his own eye or tooth. If the surrounding statute demanded literal bodily talion, this companion law would be

structurally impossible: no master's literal eye is ever exacted for the loss of a servant's eye. The compensation for the servant is emancipation — a payment in value, not tissue. Second, **Bemidbar (Numbers) 35:31–32** explicitly forbids accepting a *kofer* (כֹּפֶר, ransom) in place of the death penalty for a murderer — a prohibition that is meaningful only if ransom-in-place-of-punishment was the ordinary, expected practice for lesser injuries. The Torah singles out murder as the one injury for which no monetary *kofer* may ever be substituted, implying that for the lesser injuries of **Shemot (Exodus) 21:24** and **Vayikra (Leviticus) 24:19–20**, such substitution was assumed.

Targum Onkelos, the authoritative Aramaic translation used liturgically for centuries, renders the phrase using *mamon* (מָמוֹן, monetary value) rather than a literal bodily term — evidence of an interpretive tradition already in place well before the Talmud codified it. Applying the **Devarim (Deuteronomy) 19:15** standard: the statute itself (via the servant law), a related statute (the murder-ransom prohibition), and the earliest translation tradition (Targum Onkelos) together corroborate the monetary reading as the covenant's own internal witness — not merely a later softening imposed by rabbis uncomfortable with the plain text.

IV. DEVARIM (DEUTERONOMY) 19:21 — THE ONE CONTEXT OF DIRECT RECIPROCITY

The Mishnah (**Makkot** 1:1) preserves an important structural observation: the Torah contains no judicial penalty of bodily mutilation as a sentence — no statute anywhere in the written Torah instructs a court to physically remove a convicted person's eye, tooth, hand, or foot as punishment. This means that even in **Devarim (Deuteronomy) 19:21**, the one text most plausibly read as commanding literal, direct reciprocity against a malicious false witness, the court's actual sentencing options remain the Torah's other prescribed penalties — principally lashes, or, where the false witness sought a capital conviction against the innocent, the same capital sentence he sought to inflict. The *ed chamas* (malicious witness) statute demonstrates the covenant's own internal deterrent logic: a person who conspires to inflict a specific harm on an innocent neighbor through the courts forfeits the right to complain when that same specific harm is turned back on him. The purpose stated in the text itself is deterrence — **Devarim (Deuteronomy) 19:20**: “those who remain will hear and be afraid, and will never again do such an evil thing among you.”

This context matters for the whole study. **Devarim (Deuteronomy) 19:21**'s command “your eye shall not pity” is addressed to *judges* evaluating a proven conspiracy to destroy an innocent neighbor through false testimony — it is judicial instruction against misplaced leniency toward a convicted perjurer-conspirator, not a general license for private citizens to exact bodily vengeance on one another.

V. ANCIENT NEAR EASTERN CONTEXT — THE CODE OF HAMMURABI

The principle of measure-for-measure retribution predates the written Torah; the Code of Hammurabi (Babylon, circa eighteenth century BCE) contains talion statutes strikingly similar in wording to **Shemot (Exodus) 21:24**. The covenant distinction is not the presence of the formula — it is what surrounds it. Hammurabi's code applies talion differentially by social class: an *awilum* (free man of high status) who destroys the eye of another *awilum* loses his own eye, but the same offense against a *mushkenum* (commoner) or *wardum* (slave) is settled by a fixed monetary fine, with no bodily consequence to the offender at all. The written Torah's statute in **Vayikra (Leviticus) 24:19–20** contains no such class stratification — the same rule governs “his fellow,” full stop. This is itself a covenant innovation: equal legal accountability for injury regardless of the offender's or victim's social rank, a principle foreign to the surrounding Ancient Near Eastern legal codes and grounded instead in **Vayikra (Leviticus) 24:22**: “You shall have one standard of law for the stranger and the native alike.”

VI. MATTITYAHU (MATTHEW) 5:38–39 — A COMPARATIVE CHRISTIAN READING

Christian tradition engages this statute directly through Yeshua's Sermon on the Mount: “You have heard that it was said, ‘Eye for eye and tooth for tooth.’ But I tell you, do not resist an evildoer. If anyone slaps you on the right cheek, turn to him the other also.” (Matthew 5:38–39, cited here as New Testament comparative reference only, not binding Tanakh authority.) Read against the covenant context established in Sections I and IV above, this teaching addresses *personal* conduct — how a covenant member responds to a personal insult or minor personal injury — rather than instructing Israel's courts to abandon proportional sentencing. The written Torah's lex talionis was never addressed to private individuals as permission for self-administered vengeance; it was addressed to judges as a *ceiling* restraining the severity of court-ordered punishment. Read this way, Yeshua's teaching does not contradict **Shemot (Exodus) 21:24** — it extends the covenant's restraint on retaliation from the courtroom into the individual heart, refusing personal vengeance a legal formula it was never given in the first place.

VII. ISLAM — QISAS (قِصَاص) AND THE QUR'ANIC CONFIRMATION

Surah al-Ma'idah 5:45 (cited here as comparative reference only, not Tanakh authority) explicitly states that the *Tawrat* (the Torah given to Musa/Moshe) ordained *qisas* (قِصَاص, retaliation in kind): “And We ordained for them therein: a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and for wounds, retribution. But whoever forgoes it as charity, it is an expiation for him.” The Qur'an explicitly confirms the underlying Torah statute as authentic divine legislation, while adding an emphasis on voluntary forgiveness as an act of merit — structurally parallel to the rabbinic move toward compensation-in-place-of-mutilation and to Yeshua's ethic of personal non-retaliation. Where all three traditions converge is instructive: none of the three, on careful reading, requires or celebrates literal bodily mutilation as the ordinary practice of covenant justice. All three restrain the letter of the formula in the

same direction — toward proportionality, restitution, and mercy — while none of the three abolishes the underlying principle that punishment must never exceed the injury done.

VIII. THREE-RELIGION AUDIT — HOW EACH TRADITION HANDLES THE LAW

ELEMENT	JUDAISM	CHRISTIANITY	ISLAM
Primary Reading	Fixed monetary compensation across five damage categories (Bava Kamma 83b–84a); the written text’s own internal logic supports this.	The statute is Israel’s judicial ceiling on courts; Yeshua extends the restraint to personal conduct rather than abolishing the judicial principle.	Qisas confirmed as authentic revealed law (Q. 5:45); voluntary forgiveness commended as an act of charity and atonement.
Covenant Strength	Preserves the principle that punishment must never exceed injury, while translating it into a workable, humane judicial mechanism.	Preserves the covenant’s restraint on vengeance and extends it into personal ethics — refusing private citizens a formula given only to courts.	Preserves proportionality as revealed law while elevating forgiveness — echoing the covenant’s own trajectory toward mercy.
Covenant Departure Risk	Where the compensation framework is treated as a rabbinic override rather than the written text’s own internal witness, the covenant’s grounding in the Tanakh itself is obscured.	Where ‘turn the other cheek’ is read as abolishing judicial proportionality altogether — including for courts and civil authority — it exceeds what the text addresses.	Where qisas is applied without the written Torah’s own internal restraint (the servant-emancipation and no-ransom-for-murder texts), the deeper covenant logic of the statute is lost.

IX. SEVEN COVENANT DECLARATIONS ON PROPORTIONAL JUSTICE

#	COVENANT DECLARATION	BASIS
I	The lex talionis is a ceiling on judicial punishment, not a floor for private vengeance. Its function is to restrain courts	Shemot (Exodus) 21:24

	from imposing a penalty exceeding the injury actually done.	
II	The word <i>tachat</i> (תחת, H8478) carries a substitutionary sense — one thing standing in the place of another — supporting the covenant's own internal witness toward compensation rather than literal mutilation.	Shemot (Exodus) 21:24; Strong's H8478
III	The written Torah's own servant-injury law demonstrates that literal bodily talion cannot be the statute's universal mechanism, since a master's eye is never literally exacted for a servant's eye — emancipation, a payment in value, is the remedy.	Shemot (Exodus) 21:26–27
IV	The prohibition on accepting ransom for a murderer's life (Bemidbar/Numbers 35:31–32) implies that ransom in place of punishment was the ordinary, expected practice for the lesser injuries covered by the talion formula.	Bemidbar (Numbers) 35:31–32
V	Vayikra (Leviticus) 24:19–20 applies its standard equally — “one standard of law for the stranger and the native alike” — a covenant innovation distinguishing Torah from the class-stratified talion codes of the surrounding Ancient Near East.	Vayikra (Leviticus) 24:19–22
VI	Devarim (Deuteronomy) 19:21 addresses judges evaluating a proven conspiracy of false testimony against an innocent neighbor — it is judicial deterrence against a specific, narrow crime, not a general statute for personal retaliation.	Devarim (Deuteronomy) 19:16–21
VII	Across Judaism, Christianity, and Islam, the historical trajectory of interpretation moves in a single direction — toward compensation, restraint, and mercy — corroborating rather than contradicting the covenant's own internal witness.	Bava Kamma 83b–84a; Matthew 5:38–39; Qur'an 5:45

X. THE COVENANT RESPONSE — WHAT THIS LAW TEACHES ABOUT JUSTICE TODAY

The popular caricature of *ayin tachat ayin* as a primitive endorsement of mutilation-for-mutilation inverts the statute's actual covenant function. Read in its full context — against the servant law, the murder-ransom prohibition, the equal-standard clause, and the narrow judicial setting of the false-witness

statute — the law is a **restraint** on human vengeance, not an authorization of it. Ancient Near Eastern legal systems, left to themselves, tended toward escalating blood-feud retribution, where a single injury could trigger a spiral of increasingly disproportionate retaliation between families and clans. **Yahweh's** covenant law interrupts that spiral at its root: whatever punishment a court imposes, it may never exceed — in kind or in degree — the injury actually inflicted. This is why Mahatma Gandhi's often-cited observation that 'an eye for an eye leaves the whole world blind' addresses a genuine danger of unrestrained retaliation, but misreads the statute itself as being that danger's cause rather than its covenant remedy.

The covenant community's task, drawn from **Mishlei (Proverbs) 20:22** — “Do not say, ‘I will repay evil’; wait for **Yahweh** and He will save you” — is to entrust ultimate justice to **Yahweh's** own governance while supporting courts that apply proportionate, restrained, and equally-administered justice among the covenant community. The three religions addressed in this study each, in their own idiom, arrive at the same covenant destination: punishment bounded by injury, mercy commended above strict entitlement, and private vengeance restrained by entrusting final justice to the Sovereign who gave the law in the first place.

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“Do not say, ‘I will repay evil’; wait for Yahweh, and He will save you.”

Mishlei (Proverbs) 20:22 — The Written Covenant of Yahweh

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