

## ***The Tilted Balance: Early Rabbinic Perceptions of God's Justice***

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*The fundamental biblical and rabbinic principle for the application of justice is lex talionis or "measure for measure" (מִדָּה כִּנְגַד מִדָּה). The balance represented in this formulation is a requirement for human judicial proceedings. Beyond this, it serves in early rabbinic texts as the basis for both singular statements and complex literary structures that demonstrate that God Himself acts according to the principle. Retribution for enemies is מִדָּה כִּנְגַד מִדָּה and reward for those who are obedient is likewise measure for measure. Even so, while the principle is explicitly cited with regard to God's actions, the actual מִדָּה כִּנְגַד מִדָּה punishments and rewards that the rabbis discovered in the biblical text are measure for measure in kind but not in intensity. There is frequently a greater degree of punishment than the crime objectively warranted for sins of offenders who are enemies of God and His people. On the other hand, measure-for-measure rewards for those who are beloved of God also match in kind but, in fact, are greatly increased over the "just desert." The very process of constructing the complex literary schemata, spanning biblical history, taught a profoundly necessary lesson about faithfulness and continuity in God's dealing with His people. This background illuminates the instances in which this expression is used in the Gospels.*

*Key Words:* justice, measure for measure, lex talionis

### INTRODUCTION

In the world defined by Torah, the court system was to practice justice that was explicitly balanced. The biblical text articulates the expectation that justice was to be effected in terms that were "measure for measure"; the measure of the punishment had to fit the extent of the crime. The expression itself conveys a fundamental symmetry that

recurs through the multiple prescriptions for the judicial system of Israel.<sup>1</sup> Furthermore, this principle transcends cultural boundaries.<sup>2</sup>

In the early rabbinic community, this essential judicial principle (מדה כנגד מדה) was not only carefully defined and given boundaries within the human court system; it was significantly a reflection in this world of the comprehensive balance that is woven into the very fabric of the metaphysical realms. The Sages developed extensive networks of circumstances in the biblical narratives in which the Holy One, Blessed Be He, distinctly intervened in human history in ways that demonstrated His own concern for measure-for-measure justice. At the same time, what is of particular interest is the extent to which certain explicitly measure-for-measure conditions also contained within them elements that were clearly outside the measure. While the rabbis noted that these fit the constraints of the justice principle, they also exegetically revealed in the excess, whether for good or for bad. In this article I explore (1) the biblical injunctions to practice measure-for-measure (MFM) justice, demonstrating in the human sphere the principle of balanced justice; (2) selected early rabbinic presentations of God's MFM justice as the Sages discovered it in the biblical narratives; (3) possible implications for the interpretation of similar expressions that emerge in several Gospel contexts; and (4) observations about the social context(s) of these audiences in Late Antiquity.

#### BIBLICAL INJUNCTIONS REGARDING MEASURE-FOR-MEASURE JUSTICE

The Torah consistently exhorts the people of God to practice justice in every possible sphere. In personal injury cases, this justice is to be *evident* in that balance must characterize the response to any damage done. The biblical text graphically pairs human organs, injuries, and ultimately the whole person in explicitly symmetrical literary statements. The symmetry of each of these pairs comes to be represented by

1. The *lex talionis* principle is classically expressed in Exod 21:23-25: "life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise."

2. It appears in the section on personal injuries in the Code of Hammurabi 192-231 (*Ancient Near Eastern Texts* [ed. J. Pritchard; Princeton: Princeton University Press, 1969] 175-76). Martha Himmelfarb (*Tours of Hell: An Apocalyptic Form in Jewish and Christian Literature* [Philadelphia: Fortress, 1983] 75-92) cites examples from Greek, Egyptian, Roman, Jewish, and Christian literatures. See also Göran Larsson, *Bound for Freedom: The Book of Exodus in Jewish and Christian Traditions* (Peabody, Mass.: Hendrickson, 1999) 163-64; and John E. Hartley, *Leviticus* (WBC 4; Dallas: Word, 1992) 411-12.

the rabbinic formula *מדה כנגד מדה* ("measure for measure").<sup>3</sup> Nevertheless, in the same biblical contexts in which some of these MFM patterns appear are instances where the punishment appears to exceed the crime. The primary texts and contexts are summarized below.

Gen 9:6 is the initial statement of balanced punishment for the crime of taking a life: "The one who sheds the blood of a man (*אדם*), by man shall his blood be shed because in the image of God He made man." Humans are to effect the judgment; the oppositions in the chiasmic structure of the verse seem to accentuate the importance of balance in this process.<sup>4</sup> What is striking is the additional theological fact that tilts the literary balance even as it presses for just punishment: humans are made in the image of God. The weight of this fact manifests itself in a number of subsequent cases in the Torah, in which damage is done to human beings.

Exod 21:22-25 appears in a wider context dealing with personal injuries, some of which are repaid in explicit MFM terms. For example, we learn from Exod 21:12 that the one who strikes a man, who dies as a result, will himself surely die. On the other hand, many of the judicial responses to personal abuses do not appear to be MFM; there are messy complicating factors such as family structures, malevolent intentions, negligence, and the status of slaves. Exod 21:15 states that the one who strikes his father or mother shall surely die; the same punishment is accorded the one who kidnaps a person (Exod 21:16). In these cases, the punishment initially appears to exceed the crime. Abuse of those who are charged to represent divine authority within the family structure merits the most severe response. Likewise, the attempt to steal another human being dehumanizes that person—in essence, taking his or her life. On the other hand, a slave owner who beats his slave to an immediate death is punished (*נִקְם נִקְם*), but if the slave survives a day or more, there is no punishment because the slave is deemed to be the owner's source of income (Exod 21:20-21).

The immediate context for the articulation of the measure-for-measure formula is injury to a pregnant woman who has miscarried as the result of two people fighting. While there are significant ambiguities regarding the circumstances and the assessment of damages in this case, the judicial principle is clearly stated. "If there is

3. On the rabbinic use of the expression *מדה כנגד מדה*, see discussions in Isaak Heinemann, *מדה כנגד מדה* (Jerusalem: Magnes, 1954) 56-59; and Ephraim Urbach, *The Sages: Their Concepts and Beliefs* (trans. Israel Abrahams; Jerusalem: Magnes, 1979) 436-44.

4. Bruce Waltke (*Genesis: A Commentary* [Grand Rapids: Zondervan, 2001] 145) noted that the chiasmic structure "matches the concept of poetic justice: life for life." See also Robert Alter, *Genesis* (New York: Norton, 1996) 38.

injury, you shall give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise" (Exod 21:23-25). Nevertheless, biblical justice is not simple. While the principle is defined, the application is complicated.<sup>5</sup>

Lev 24:17-20 directly follows the incident of the man who blasphemed the Divine Name as he was engaged in a fight and was brought to Moses for judgment (Lev 24:10-12). The command of the Lord indicated that he was to be stoned by the entire congregation (Lev 24:14). This offense against the holiness of God had severe community implications, and they were not limited to this instance. The congregation was responsible to execute by stoning anyone who cursed God.<sup>6</sup> The stated punishment for this offense is followed by others.

The man who takes the life of a person (יָכָה כָּל־נֶפֶשׁ אָדָם) shall surely die. The one who strikes the life of an animal shall pay for it, life for life. The man who puts a blemish on his neighbor; as he has done, thus it shall be done to him: break for break, eye for eye, tooth for tooth, as he has given a blemish to a person, so it shall be done to him. (Lev 24:17-20)

The passage closes with the execution of the blasphemer. What is particularly intriguing about this is the apparently seamless manner in which these offenses and respective penalties follow the initial case, as if all of them are part of the same measure-for-measure pattern. In some way, the death penalty for blasphemy is presented as paradigmatic for all the issues of balanced justice.<sup>7</sup>

Deut 19:15-18 addresses the matter of the witnesses necessary in order for a person to be convicted of a crime. In the text that follows, the possibility of intentional false testimony is raised, and the punishment for such a crime is severe.

If the witness is a false witness, having testified falsely against another, then you shall do to him as he schemed to do to his brother and you shall remove the evil from your midst. Those who remain shall hear and be afraid and they shall not continue to do this evil thing in your midst. Your eye shall not show mercy: life for life, eye for eye, tooth for tooth, hand for hand, foot for foot. (Deut 19:18b-21)

Finally, Num 5:11-31 draws together both the judicial procedures that were to be followed in the case of the suspected wife and the clearly expected intervention of God if she were guilty. The results of

5. The major challenges of this passage and responses from Jewish and Christian perspectives are addressed by Larsson, *Bound for Freedom*, 162-69.

6. וְנִקְבַּ שְׂמֵי־יְהוָה מוֹת יוֹמָת; אִישׁ אִישׁ כִּי־יִקְלַל אֱלֹהֵי וְנִשְׂא חַטָּאוֹ (Lev 24:15); (Lev 24:16).

7. For further discussion of the structure of the pericope and the severity of the blasphemy charge, see Hartley, *Leviticus*, 403-14.

drinking the bitter water were to be evident and, as the rabbis would note, were in keeping with the MFM principle. In fact, the case of the *śōtâ* (the suspected wife) figures prominently in the Sages' multiple presentations of measure-for-measure justice as effected by God.

It is worth noting the judicial and circumstantial contexts for these formulaic articulations of the principle. All of them are serious abuses of moral Torah, starting with the taking of human life, and followed by injury to those perceived as vulnerable (pregnant women, unborn children), blasphemy of the Name of God, the Source of all goodness, lying to harm another, and the potential of adultery. It is as if to say that the threatening prospect of equal pain and suffering is needed to thwart the evil that would prompt anyone to initiate such heinous actions.

### EARLY RABBINIC PRESENTATIONS OF GOD'S JUSTICE

Not surprisingly, what was mandated in the Torah for the human sphere was perceived as representative of the metaphysical realm. The Sages presumed that God dealt with creation and creatures with perfect justice, and they highlighted the justice of God as it was evident in the history of Israel.<sup>8</sup> Reward and punishment in this world were educational tools so that Israel would learn obedience to the covenant.<sup>9</sup>

From the wealth of rabbinic material, select texts from *Mekilta deRabbi Ishmael* (*MRI*), the Mishnah (*m.*) and Tosefta (*t.*) will serve as illustrations.<sup>10</sup> *MRI* is particularly significant because it addresses

8. See George Foote Moore, *Judaism in the First Centuries of the Christian Era: The Age of the Tannaim* (Cambridge: Harvard University Press, 1927) 2.248-52. This, of course, was not without biblical precedent. A persistent theme throughout the writing prophets is God's justice as manifested in distinctly MFM patterns. See, for example, Isa 3:16-24 and Hab 2:8, 15-17.

9. Urbach, *The Sages*, 436-39; E. P. Sanders, *Paul and Palestinian Judaism: A Comparison of Patterns of Religion* (Philadelphia: Fortress, 1977) 107-47, 189; idem, *Judaism: Practice and Belief 63 BCE-66 CE* (Philadelphia: Trinity, 1992) 270-75. That reward and punishment were not construed in an "eternal" context (for Israel) is evident in *m. Sanh.* 6:2: "Everyone who makes his confession has a share in the world to come." For examples from later rabbinic literature that are exceptions to this rule, see Saul Lieberman, "On Sins and Their Punishments" and "Some Aspects of Afterlife in Early Rabbinic Literature," *Texts and Studies* (New York: Ktav, 1974) 29-56; 235-72. The focus on reward and punishment in "this world" distinguished the rabbinic approach from the surrounding cultural milieu. In almost all the nonrabbinic material studied by Himmelfarb, the rewards and punishments were located in the afterlife. She attributed the rabbi's unique approach to their intense focus on the biblical text itself, which deals, for the most part, with this life (*Tours of Hell*, 77).

10. The Mishnah was formulated by 220 C.E. but it is evident that it reflects a long tradition. As Jacob Neusner has demonstrated, it is an idealized rabbinic document,

both the dramatic demonstrations of God's activities to deliver His people from bondage and to effect justice for them (Exod 13:17-15:21) and God's standards for the continued administration of justice on the human level (Exod 20:1-23:9).<sup>11</sup> The midrashim on Exod 13:17-15:21 develop extended illustrations of the MFM principle in action, citing it as the basis both for severe punishment of enemies of God and Israel and for reward for exemplary behavior on the part of God's beloved. Retribution or punishment for enemies is declared to be balanced, and reward for those who are obedient is likewise MFM.<sup>12</sup>

### *Mekilta deRabbi Ishmael*

In some instances, the midrash responds directly to the drama of the biblical text with single MFM statements. Two examples follow:

Beshallah 7:5-22:<sup>13</sup> ***And the waters will come back upon Egypt, their chariots, and their horsemen*** (Exod 14:26)

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presenting the Judaism the Sages envisioned as they studied Torah (*Judaism: The Evidence of the Mishnah* [Chicago: University of Chicago Press, 1981]). While questions have been raised about the dates for the composition and/or compilation of the so-called tannaitic midrashim, it has been credibly argued that representative samples of these texts fit well into the second half of the third century C.E. For treatment of the issues involved in dating these texts, see Herman L. Strack and Gunther Stemberger, *Introduction to the Talmud and Midrash (Einleitung in Talmud und Midrasch, 7th rev. ed.; Munich: Beck, 1982 / trans. Markus Bockmuehl; Minneapolis: Fortress, 1992)* 273,277-79.

11. *MRI* is divided into nine tractates and does not comprehensively address all of canonical Exodus. Instead, it commences with the stipulations for Passover in Exodus 12 and concludes with halakhic exegesis of the Sabbath regulations in Exod 31:12-17 and 35:1-3. Tractates Beshallah and Shirta comprise aggadic midrash, elaborating on the narrative and poetic renditions of redemption at the Sea of Reeds. It is in these contexts addressing God's activities on behalf of Israel that most of the MFM schemata appear. Tractates Bahodesh, Nezikin, and Kaspa deal with the articulation of the Torah at Mt. Sinai. Bahodesh serves as a transition from narrative and aggadic focus back to halakhic. This is in keeping with the transition in the biblical text from preparation for revelation to revelation itself (Exod 19:1-20:23).

12. The standard introductory formula is "with the measure with which a man measures, it will be measured to him" (שְׁבַמְדָה שֶׂאָדָם מוֹדֵד בֵּה מוֹדְדִין לוֹ) or the plural formulation: (בְּמִדָּה שֶׁמִּדְּדוּ בִּג מִדְּדַת לֵהֶן). There are variations on the theme, among them, "whoever began the transgression, from him began the punishment" and "by means of the very thing in which they prided themselves, God punished them."

13. Line numbers are given according to the Lauterbach edition. See Jacob Lauterbach (ed.), *Mekilta de-Rabbi Ishmael* (3 vols.; Philadelphia: Jewish Publication Society, 1933-35; reprint, 1949) 243-44. This is a critical passage because, following the initial statement quoted above, it goes on to cite multiple biblical prooftexts from the Prophets, Psalms, and Proverbs that God unquestionably operates according to the MFM principle. For an extended parallel on the MFM punishment of Pharaoh and the Egyptians, see Shirta 4:80-101.

The wheel<sup>14</sup> will turn against them and bring back upon them their violence. With the plan that the Egyptians devised to destroy Israel, I will punish them. They planned to destroy my children with water; so I will punish them with water.

Shirta 6:106-11: **with the breath of your nostrils waters were heaped up (נערמו) (Exod 15:8)**

With the measure with which they measured, you have measured to them. They said: "Come let us deal shrewdly [נתחכמה] with them" (Exod 1:10) so You gave shrewdness [אתה נתת ערמימות]<sup>15</sup> to the waters and they were fighting against [the Egyptians], inflicting all sorts of punishments [repeat text].

MFM illustrations are, however, more often gathered into complex literary patterns in *MRI*. The unusual notice about taking Joseph's bones as the Israelites exited Egypt (Exod 13:19) serves not only as the prompt for a delightful set of narratives about how those bones were found after centuries; it also launches an elaborate encomium for Miriam, Joseph, and Moses.

Beshallah 1:108-19

This is to teach you that the measure with which a man measures, so it will be measured to him. Miriam waited for Moses for one hour as it is said: "And his sister stood at a distance . . ." (Exod 2:4). So the Omnipresent delayed for her in the wilderness the Ark, the Shekhinah, the priests, all Israel, and the seven clouds of glory, as it is said: "And the people did not journey on until Miriam was brought in again" (Num 12:15). Joseph acted with merit to bury his father and there was none among his brothers greater than he [the midrash quotes Gen 50:7-9]. Who among us [i.e., Israel] is greater than Joseph . . . except Moses? Moses acted meritoriously with the bones of Joseph and there was none in Israel greater than he [quote Exod 13:19]. Who among us is greater than Moses except the Holy One, Blessed Be He? As it is said: "And He buried him in the valley" (Deut 34:6).

As if that were not sufficient to get the lesson across, the Sages continued with an explanation about why the bones of Joseph, kept in an ארון, merited accompaniment by the ark (ארון) of the covenant, demonstrating that Joseph meticulously kept each of the commandments of the covenant (Shirta 1:119-51).

14. Lauterbach (*Mekilta*, 1.243) suggested that this wheel refers to fortune. Marcus Jastrow, *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature* (Peabody, Mass.: Hendrickson, 2003) 245, noted a number of examples in which גלגל refers to the zodiac or the wheel of fortune.

15. This is a play on the Hebrew word ערום, related to the verb in the biblical text.

The rabbis also found the basis for further extensive instruction about measure-for-measure rewards in the indication that the Lord accompanied the Israelites (Exod 13:21). Drawing on the concept of זכות אבות, they demonstrated that Father Abraham's actions on behalf of the three visitors to his tent at Mamre merited for his children God's "equal" provision and protection. Clearly, the singular action of the patriarch was multiplied abundantly at the same time as the symmetry was maintained.

Beshallah 1:193-208: **And the Lord was going before them by day (Exod 13:21)**

This is to teach you that with the measure with which a man measures, they measure to him. Abraham accompanied the ministering angels [quote Gen 18:16]; the Omnipresent accompanied his children in the wilderness forty years [quote Exod 13:21—this passage]. Concerning Abraham it is written: "Let there be taken a little water . . ." (Gen 18:4); the Holy One, Blessed Be He, brought up for His children the well in the wilderness [quote Num 21:17]. Concerning Abraham it is written: "And I will take a bit of bread" (Gen 18:5); the Holy One, Blessed Be He, brought down for His children the manna in the wilderness [quote Exod 16:4]. Concerning Abraham it is written: "And Abraham ran to the herd" (Gen 18:7); the Holy One, Blessed Be He, drove up for His children quail in the wilderness [quote Num 11:31]. Concerning Abraham it is written: "And rest under the tree" (Gen 18:4); the Holy One, Blessed Be He, spread out for His children seven clouds of glory [quote Ps 105:39—v. 42 says He remembered His holy word to Abraham]. Concerning Abraham it is written: "And he stood by them" (Gen 18:8); the Holy One, Blessed Be He, defended the houses of His children in Egypt, so they would not be harmed [quote Exod 12:23].

In a similar fashion, the symmetrical, balanced poetry of Exodus 15 is the basis in tractate Shirta for expanded sets of equally poetic and balanced comparisons, this time dealing with retribution. Among them is the following list of those who suffered punishment because they had exalted themselves. It includes both evil nations as well as renegade Israelites. The Hebrew in Exod 15:1 reads כִּי גָאָה גָאָה ("for He is greatly exalted"); the repetition of the verbal root with the infinitive absolute is the lexical "prompt" for the set of MFM comparisons. The text is summarized below, omitting the prooftexts and the repeated measure-for-measure formulas that accompany each set.

Shirta 2:12-94:<sup>16</sup> **for He is greatly exalted (Exod 15:1)**

He is exalted over all those who exalt themselves. With that with

16. The version in *MRI* is very abbreviated, as if readers are expected to know it from elsewhere. It appears in more detail and with greater clarity, in *t. Sotah* 3-4, which is addressed below.

which the nations of the world<sup>17</sup> exalt themselves before Him, He punishes them.<sup>18</sup>

The generation of the flood [Job 21:10-15 describes a prosperous culture which rejected Almighty God] claimed they did not need rain because "a mist went up from the earth and watered all the land" (Gen 2:6). The Holy One, Blessed Be He, said, "Fools in the world. With the good I poured out for you, you exalted yourselves. By your lives! I will punish you with it" [quote Gen 7:12]. R. Yose b Dormasqit said, "They set their eyes from the upper things to the lower in order to fulfill their desires" [likely a reference to Gen 6:2]. The Holy One, Blessed Be He, opened upon them the springs above and beneath in order to destroy them [quote Gen 7:11]. The men of the Tower said, "Come, let us build a city for ourselves . . ." (Gen 11:4). Afterwards, what is written? ". . . the Lord scattered them from there . . ." (Gen 11:8).<sup>19</sup> The men of Sodom [Job 28:5-8 talks of fire underneath, precious stones, and no creature knowing the path] said, "We do not need anyone coming to us [because we are self-sufficient with our resources] so let the traveler among us be forgotten." The Holy One, Blessed Be He, said, "Fools in the world. With the good that I poured out for you, you have exalted yourselves and decided to forget the traveler. Thus I will cause you to be forgotten from the world ."<sup>20</sup>

[There is further discussion on how the daughters of Lot came by the wine. God prepared it for them. If He does this for those who anger Him, how much the more (קל וְהמַר) for those who do His will.] And so you find with the Egyptians . . . , "And he took 600 chariots" (Exod 14:7); and afterwards it is written: "The chariots of Pharaoh and his army He cast into the sea" (Exod 15:4).

And so you find with Sisera . . . , "And Sisera called all his chariots, 900 iron chariots . ." (Judg 4:13); and what is, written afterwards? "From heaven they fought, the stars in their courses fought with Sisera" (Judg 5:20).<sup>21</sup>

17. These paradigmatic nations of the world are irredeemably evil. Shirta 5:37-53, responding to "your right hand, O Lord, glorious in power" (Exod 15:6), asserts that the generation of the flood, the men of the Tower and Sodom, and the Egyptians had a chance to repent but did not avail themselves of it; thus, they justly stand condemned. In *m. Sanh.* 10:3, the first three groups have no share in the world to come. See the expansion in the Bavli (*b. Sanh.* 109a).

18. מתגאה הוא על כל המתגאים שבמה שאומות העולם מתגאים לפניו בו הוא נפרע מהם.

19. The match is not explicitly stated in the text, but the reader may be expected to know that v. 4 continues with the stated intention of making a name for themselves lest they "be scattered," which is precisely what God did to them.

20. Although this claim is followed by a series of prooftexts from Job and Ezekiel, none indicates directly that the sin of Sodom was abuse of travelers, and yet that is apparently the match; the texts seem to skirt it delicately. In addition, there is a further unstated "measure" in that the underground materials that provided part of the wealth of the city, as described in the prooftexts from Job, also figured in the destructive process.

21. The MFM match here is not as good as the one proposed in the parallel in *t. Sotah* 3:14: "Sisera was not exalted before the Omnipresent except with legions (of soldiers)

And so you find with Samson . . . , "And Samson said to his father, 'Take her for me because she is pleasing in my eyes' . . ." (Judg 14:3). Afterwards what is written? "The Philistines seized him and gouged out his eyes and took him down to Gaza" (Judg 16:21). R. Judah says, "The beginning of his ruin was in Gaza; therefore his punishment began in Gaza."<sup>22</sup>

And so you find with Absalom . . . , "And there was no person in Israel as handsome as Absalom . . . and when he cut his hair . ." (2 Sam 14:25-26). . .<sup>23</sup> And what is written? [He was caught by hair of his head (18:9).]

And so you find with Sennacherib . . . , "At the hand of your messengers (מַלְאָכָיו) you have taunted the Lord" (2 Kgs 19:23-24). . . . And what is written afterwards? "In the night an angel (מַלְאָךְ) of the Lord went out and struck the camp of the Assyrians . ." (2 Kgs 19:35). [Further prooftexts demonstrate the size of Sennacherib's army.]

And so you find with Nebuchadnezzar . . . , "You said in your heart, 'I will ascend to the heavens . . . above the clouds . . ." (Isa 14:13-14). What is written afterwards? "But unto Sheol you will descend . ." (Isa 14:15).

And so you find with Tyre . . . , "You have said, 'I am the perfection of beauty . . .'" (Ezek 27:3). It is written: "Behold, I am against you, O Tyre, and will bring against you many nations . . ." (Ezek 26:3).<sup>24</sup> And so you find with the prince of Tyre . . . , "Son of man, say to the prince of Tyre: Thus said the Lord God, 'Because your heart is exalted and you have said "I am God"' . . . (Ezek 28:2). What does it say? "You will die the death of the uncircumcised at the hand of strangers" (Ezek 28:10). [This is followed by a closing statement of the formula.]

Several observations are in order. In most of the cases, the offending party, whether an individual or a community, suffered the ultimate punishment of death. In some cases, that was an equal match. In others, some other crime warranted this divine response. Just as in sev-

who were not receiving pay, as it is said: 'Kings came and fought . . . they did not take gain of silver' [Judg 5:19]. Thus, the Holy One, Blessed Be He, punished them only with legions which did not receive a wage, as it is said: 'From the heavens they fought, the stars in their courses fought with Sisera' [Judg 5:20]."

22. Neither of these is, strictly speaking, a case of his exalting himself. One might say, rather, that he was indulging himself. In addition, the second set proposed by R. Judah fits better with the pattern that highlights those who began the transgression and were the first to receive the punishment. This example is illustrative of the fact that these standard lists of renegades and enemies functioned in a number of contexts, and not all of the members necessarily fit all of the contexts equally well.

23. There is a discussion between Judah, Yose, and Rabbi of the length of Samson's Nazirite vow. Each one appeals to a prooftext to make his case.

24. The wider biblical context mentions a number of different nation-states that provided workmen for Tyre and traded with the city.

eral of the biblical paradigm texts, abuse of parents, blasphemy, and sexual immorality figure prominently in these cases.

### *The Mishnah*

The characters and the lesson regarding God's justice that constitute this complex schema migrate across documents.<sup>25</sup> In a relatively compact form, the lesson appears in *m. Sotah* 1, which describes the procedures for bringing the suspected wife of Numbers 5 to "trial" at the Temple in Jerusalem.<sup>26</sup> If she claimed the charge was false, she was brought to the eastern gate, the priest would rend her garments and uncover her hair, her jewelry would be removed, and a cord would be tied around her chest. All would see her shame (*m. Sotah* 1:5, 6). The text goes on to spell out what is implicit in the biblical text; her sin, if she were guilty, would be punished by God in a distinctly MFM manner because He knew the nature of her transgression.

#### *Mishnah Sotah* 1:7-9<sup>27</sup>

1:7—With the measure with which a person measures, they measure to him. She adorned herself for transgression; the Omnipresent disgraced her. She uncovered herself for transgression; the Omnipresent exposed her. She commenced in transgression first with the thigh and afterwards the stomach; therefore she will be afflicted in the thigh first and afterwards the stomach [the order in which they appear in Num 5:21]. And all the rest of the body did not escape.

1:8—Samson went after his eyes (הלך אחר עיניו) [cf. Judg 14:3]; therefore, the Philistines gouged out his eyes, as it is said: "And the Philistines seized him and gouged out his eyes" (Judg 16:21). Absalom became proud because of his hair (2 Sam 14:25-26); therefore, he was hanged by his hair. And because he came to the ten concubines of his father (2 Sam 16:22), therefore they pierced him with ten javelins, as it is said: "And ten men [MT—young men], the armor-bearers of Joab, surrounded . . ." (2 Sam 18:15). And because he stole three hearts—the heart of his father, the heart of the court, and the heart of Israel, as it is said: "And Absalom stole the heart of the men of Israel . . ." (2 Sam 15:6)—therefore, three staves were driven into him, as it was said: "And he took three staves in his hand and drove them into the heart of Absalom" (2 Sam 18:14).

1:9—And so with the matter of good; Miriam waited for Moses one hour. . . . [The text continues in much the same fashion as in *MRI*, indicating that Israel was delayed for her seven days in the

25. Another fruitful study would address the literary conventions that are part of the schema and how they change from one context to the next.

26. The title of the Mishnah tractate is סוֹטָה, even though the verbal root appearing in Numbers 5 is שָׁטָה, and the mishnaic noun form is not used in that text.

27. *Shishah Sidre Mishnah* (ed. C. Albeck; 6 vols.; Jerusalem: Bialik, 1954-59).

wilderness; Joseph cared for his deceased father; Moses cared for the bones of Joseph, and the Holy One took care of the bones of Moses.] And not concerning Moses alone did, they speak but also concerning all the righteous ones, as it is said: "And your righteous One will go before you and the glory of the Lord will gather you [i.e., be the rear guard]" (Isa 58:8).

Because the primary focus of the Mishnah is the individual case of the suspected wife, the related examples, drawn from the larger list of potential "candidates," are likewise individuals whose personal narratives fit the MFM pattern. In addition, whereas the MRI context had necessitated that the "measure" be related to the matter of overweening pride and arrogance, here there is more latitude, and therefore the MFM recital of Absalom's offenses is expanded. That this mishnaic digression is limited to Israelites is significant in that the unfaithfulness of the wife in her covenant context would be mirrored in the unfaithfulness of characters the likes of Samson and Absalom. The inclusion at the end of this brief excursus of Miriam's example turns the instruction in a positive direction and provides a counter to the unsavory activities of the suspected wife.<sup>28</sup>

#### *Tosefta Sotah 3-4*

The Tosefta builds extensively on the Mishnah's brief sketch, incorporating from the wealth of tradition a variety of perspectives on the measured manner in which God responds to both good and evil actions.<sup>29</sup> After initially making the biblical case from texts in Isaiah for the principle of measure for measure, it adds MFM details to the description of the "trial" of the suspected wife. Just as she stood before the other man, so the priest would make her stand before the public to show her shame; just as she spread a sheet of fine linen, so the priest would take the covering from her head and put it under his feet; as she adorned her face, so her face would be washed; as she painted her eyes, her eyes would protrude; as she wound around herself fringes, so the priest would bring an Egyptian cord and bind it above her breasts; as she showed her flesh to him, the priest would show her shame to many; she spread her thigh, and her thigh would decay; she received him on her stomach, and her stomach would swell; she fed him sweets, and therefore her gift at the altar would be the food of animals; she made him drink wine in valuable cups, and the priest

28. For additional illustrations of the importance vested in Miriam by the Sages, see Devora Steinmetz, "A Portrait of Miriam in Rabbinic Midrash," *Prooftexts* 8 (1988) 35-65.

29. Tosefta (ed. M. S. Zuckerman; repr. Jerusalem: Wahrman, 1970). See also Jacob Neusner's translation, *The Tosefta: Nashim* (New York: Ktav, 1979) 155-66.

would make her drink bitter water from clay vessels (3:1-4). This may be indicative of the expectation that, if the human court system would be conscientious to carry through with the procedures as articulated, God would indeed provide demonstrations of measured justice.

Following the abbreviated pattern established in the Mishnah, the Tosefta incorporates a block of examples to emphasize the inevitability of God's retribution against those who would offend against His people (3:6-19). These range beyond Samson and Absalom, cited in the Mishnah, and include the stock "nations of the world" already familiar from MRI Shirta. In the Tosefta, however, the examples and prooftexts are expanded and clarified even beyond the material in *MRI*.

Likewise, just as the Mishnah included the notice of Miriam's salutary activities and God's responses, the Tosefta presents the equally laudable cases of Abraham, Joseph, and Moses, again demonstrating God's appropriate responses to actions that were meritorious (4:1-9). Because merit of the fathers served the children over successive generations, this was a tremendously important lesson.<sup>30</sup>

Returning to the sobering concept of retribution, the Tosefta finally adds a segment stating that those who began the transgression would suffer the punishment first (4:10-19). This last section reflects the Sages' keen ability to work with the biblical text as it begins all over again with the generation of the flood, and this time around, demonstrates from the biblical text that those who began the transgression were indeed punished first. This also brings closure to the matter of the *Sotah's* punishment.

From this brief sampling, a striking element emerges regarding the nature of the "balance" as the rabbis represented it. Although the MFM principle is explicitly cited with regard to God's actions, and key words and concepts are consistently paired to demonstrate the accomplishment of the balance, both in punishment of evil and reward of good, the actual matching of punishments and rewards that the rabbis discovered in the biblical text are MFM in kind but not in intensity. There is characteristically a greater degree of punishment than the crime might have warranted for sins of offenders who are enemies of God and His people. In fact, with the exception of two of the examples, the punishment is death in circumstances that overwhelm the culprit(s). On the other hand, while the measure-for-measure rewards for those who are beloved of God also match in kind, they are, in fact, significantly increased over what might be expected in a balanced transaction based on merit.

30. The case of Abraham is presented with extraordinary detail, expanding even beyond the lexical matches noted in *MRI*.

In regard to retribution, several factors warrant consideration. First, the rabbis made a point that the "generations" were offered the chance to repent but did not (*MRI Shirta* 5:37-53). As this was therefore complete defiance of God, they were likely perceived as being "without excuse."<sup>31</sup> Second, even in the stipulations of the Torah regarding the exercise of justice in Israel's courts, most violations of the Ten Words, including sexual sins, idolatrous practices, and blasphemy, warranted death even though death did not precisely fit the MFM principle. These cases represented affronts to the holiness of God, abuses of those who bear God's image, and corruption of the covenant relationship between husband and wife; the same might be said for the varied activities of those whose names recur in these patterned lists. Third, in the extended commentary on Exod 15:1 in tractate *Shirta*, the rabbis targeted the pride that characterized the enemies of God. In the pivotal third chapter of Genesis, the choice of self-exaltation made by humankind resulted in death. Fourth, the four means of atonement/forgiveness as stated by R. Ishmael (*MRI Bahodesh* 7:17-47) include death and chastisement. For particularly recalcitrant individuals or nations, these most severe measures were needed.

The increased reward was expected by the rabbis, who made a point that Exod 20:4b-5<sup>32</sup> was to be understood in this manner. The measure of good (מִדַּת הַטוֹב) was assumed to be greater than the measure of punishment (מִדַּת הַפְּרֵעוֹנוֹת).<sup>33</sup> An important factor in the equation was the merit of persons who were beloved of God. Merit of the Fathers, in many cases Abraham, was a clear application of the principle in Exod 20:6.

### MEASURE FOR MEASURE IN THE GOSPELS

While Jesus' comments in Matt 5:38-42 on the *lex talionis* are well known, they deal primarily with human conduct, addressing the

31. A similar theme comes up in connection with the Torah. The Sages maintained that the nations of the world were offered Torah before Israel was, but they turned it down (*MRI Bahodesh* 1:101-7; 5:63-92) and were thus intentionally outside the covenant community. Likewise, in most of the cases where a greater degree of punishment is doled out, the recipient is outside the community of God's people. Samson and Absalom are the exceptions.

32. "Because I the Lord your God am a jealous God, visiting the iniquity of fathers upon children to the third and fourth generations of those who hate Me but doing *hesed* to thousands, to those who love Me and keep My commandments."

33. *T Sotah* 4:1—"You say: Which is greater, the measure of good or the measure of punishment? The measure of good is greater than the measure of punishment, the ratio being 500 to 1. Concerning the measure of punishment, it says, 'Visiting the iniquity of the fathers unto the children [to the third and fourth generation]' (Exod 20:4). Concerning the measure of good, it says, 'And doing *hesed* to thousands' (Exod 20:5). So the measure of good is greater than the measure of punishment by a ratio of 500 to 1."

need for a high ethical standard among those who would be followers. In that sense, they are, along with the rest of the Sermon on the Mount, a re-presentation of the Torah for Jesus' first-century audience. Of greater interest for this investigation are instances in the Gospels where God is presented as acting within the parameters of the MFM principle. This appeal to the divine, balanced response is highlighted in Luke 6:37-38:<sup>34</sup> "Do not judge, and you will not be judged. Do not condemn and you will not be condemned. Forgive, and you will be forgiven. Give and it will be given to you. A good measure, pressed down, shaken together and running over, they will give into your lap. For with the measure you use, it will be measured to you." An explicit part of this statement that emphasizes balance and symmetry in the divine/human exchange is that God will nevertheless reward ethical behavior abundantly, a conclusion apparently in keeping with the rabbinic perception noted above.<sup>35</sup>

More perplexing is the comment in Mark 4:24-25.<sup>36</sup> Coming directly on the heels of the parable of the sower, this addresses the difficult issue of what the hearers of Jesus' words would do with them and what would happen as a result: "Watch what you hear. With the measure you use, it will be measured to you—and even more. Whoever has will be given more; whoever does not have, even what he has will be taken away from him." The seemingly contradictory conjunction of balance but also response beyond the measure is apparent here also. This time, however, it has to do with hearing the proclamation of the Kingdom of God, and the "measure" is a matter of receptivity.<sup>37</sup> Still, the comprehensive significance of the statements is that within the complex spheres of divine justice we may again expect responses in kind but, in the course of effecting those responses, there will be a tremendous "tilting" of the balance one way or the other, dependent on the human participation. Further complicating the issue is the

34. The parallel passage in Matt 7:1-2 has a more ominous tone and omits the promise of overabundant divine response to positive human action. "Do not judge, or you too will be judged. For in the same way you judge others, you will be judged, and with the measure you use, it will be measured to you."

35.1. Howard Marshall (*Commentary on Luke* [NIGTC; Grand Rapids: Eerdmans, 1978] 265-67) noted the extensive ties of this material to rabbinic texts. Even the language is reminiscent of the rabbinic formula: the third-masculine plural "they will give . ." may reflect לָוּ מוֹדֵדִין לוֹ. Morton Smith (*Tannaitic Parallels to the Gospels* [Philadelphia: Society of Biblical Literature, 1951; repr. 1968] 135-41) observed that these Gospel passages have significant parallels in the tannaitic texts but did not explore further implications.

36. The general context has a parallel in Matt 13:1-15, although the explicit MFM formula is not stated there.

37. William L. Lane, *The Gospel of Mark* (NICNT; Grand Rapids: Eerdmans, 1974) 167-68.

context in Matthew that indicates that what one *has* at the outset is simply a result of what *God* has given (Matt 13:11), thus landing these issues of ultimate justice and justification squarely in the court of God.

#### OBSERVATIONS ON SOCIAL CONTEXT(S)

Above all, there is a monumental concern for justice woven throughout the biblical and rabbinic texts. The ideal world of the Torah was to be characterized by truth, shalom, righteousness, and justice, and this Torah world view would significantly shape all its re-presentations. At the same time, the circumstances in which particular communities found themselves also shaped their selection of texts and paradigmatic figures, ordering of narratives, and composition of whole documents.

As the Sages presented and re-presented the Torah principle of *מדה כנגד מדה* justice, they may have been responding to the tumultuous changes in their very existence in Late Antiquity. The generations immediately following the traumatic loss of the Temple in the first century were deeply concerned to demonstrate continuity in thought and practice in the face of such a profound disruption.<sup>38</sup> One of the particular ways of accomplishing this was to construct complex literary patterns, each element of which could be shaped to fit a particular formula. These patterns intentionally spanned biblical history.<sup>39</sup> In other words, although the injustices inflicted by the contemporary "nations of the world" threatened to overwhelm everything that had constituted their national life, their daily study and observance of Torah principles could be grounded in their firm belief that the divine Author of Torah had always brought about justice and would continue to do so.

In light of this, it is of interest that the earliest MFM exegeses in the stock "nations of the world" list, notably the generation of the flood, the men of the tower and of Sodom, as well as Sisera appear to be somewhat contrived. Nevertheless, that the rabbis could demonstrate that God did indeed reward and punish in predictable ways throughout the entire course of human history taught a comforting lesson about continuity in God's dealing with His enemies and with His people. It is important to note that, while part of the period of

38. See Baruch M. Bokser, "Recent Developments in the Study of Judaism," *The Second Century* 3 (1983) 14-18; idem, "Rabbinic Responses to Catastrophe: From Continuity to Discontinuity," *PAAJR* 50 (1983) 37-66.

39. See Marc Bregman, "Past and Present in Midrashic Literature," *HAR* 2 (1978) 45-59; and Yosef Hayim Yerushalmi, *Zakhor: Jewish History and Jewish Memory* (Seattle: University of Washington Press, 1982).

Late Antiquity was characterized by the rule of pagan Rome, from the fourth century on, the key "nation of the world" would have been Christian Rome.<sup>40</sup> Also included in these lists were the decidedly apostate "insiders," Samson and Absalom.

In addition, the early rabbinic texts were products of and for Jewish communities that would have been aware of the claims made by adjacent Christian communities on the Torah of the Jews and on their history.<sup>41</sup> By the very process of painstakingly intense exegesis of the biblical text, the rabbis not only demonstrated their love of Torah; they also may have been reclaiming Israelite history by demonstrating that God worked in that history on their behalf. At the same time, they were perhaps also reclaiming key symbols of Judaism for themselves.

More specifically in the area of justice, while the Christian community had adopted the Torah and the Prophets as their own texts, a significant refocusing emerged. The NT writers addressed the hope of justification in the world to come as a result of the work of Jesus, whose life fulfilled foreshadowing symbols, events, and prophetic words in the Hebrew Bible. In this context, it may have been important for the rabbis to demonstrate that God indeed did execute justice in this world.

In the contexts both of Jesus' audience and of the recipients of the Gospels, the expression "measure for measure" may have initially engendered an expectation of the balance that is represented by Luke 6:37-38; right actions would bear similar but abundant responses. This singularly positive expectation is challenged by the teaching in Mark 4 and its parallel in Matthew 13, both of which allude to the reverse side of the principle. The message of the immanent kingdom, represented

40. Esau or Edom, as a biblical outsider or enemy, came to represent Rome and subsequently the Church. See Heinemann, *הַאֲנָדָה הַדְּרָכִי*, 32. Instructive in this regard is Alan Segal's, *Rebecca's Children: Judaism and Christianity in the Roman World* (Cambridge: Harvard University Press, 1986) 171-81.

41. Salo Wittmayer Baron (*A Social and Religious History of the Jews* [2nd ed.; New York: Columbia University Press, 1952] 2.136-41) maintained that biblical history became the main battleground between Christians and Jews. See also Nicholas M. R. DeLange, *Origen and the Jews* (Cambridge: Cambridge University Press, 1976), 64-67; and Michael Goldberg, *Jews and Christians: Getting Our Stories Straight* (Valley Forge: Trinity, 1991). The issue of the interaction between Christian and rabbinic communities in Israel in the third century C.E. is addressed further by Dennis Groh, "Jews and Christians in Late Roman Palestine: Towards a New Chronology," *BA* 51/2 (June, 1988) 80-96; Eric Meyers and James Strange, *Archaeology, the Rabbis and Early Christianity* (Nashville: Abingdon, 1981) preface; Gedaliahu Stroumsa, "Religious Contacts in Byzantine Palestine," *Numen* 36 (1989) 16-42; and Lee Levine, *Caesarea under Roman Rule* (Leiden: Brill, 1975) chap. 4.

in the *word*, demanded attention and, by virtue of its claims, a response.<sup>42</sup> In return, the measure of the individual mind-set and attention would be overwhelmed by the divine bestowal or removal of light. In sum, this was a matter of abundant life or eternal death.

42. This prospect would not be foreign to an audience that knew the Hebrew Bible. Deut 30:11-20 emphasized obedience to the word, which was very near to them, in their mouths and hearts, and necessitated their choice *for life*.