

וַיֵּצֵא בְּרֵאשִׁית יִשְׂרָאֵלִית וְהוּא בֶן־אִישׁ מִצְרַיִם בְּתוֹךְ בְּנֵי יִשְׂרָאֵל וַיִּצְטַו בְּמַחֲנֶה בֶן הַיִּשְׂרָאֵלִית וְאִישׁ הַיִּשְׂרָאֵלִי:

10-There came out among the Israelites one whose mother was Israelite and whose father was Egyptian. And a fight broke out in the camp between that half-Israelite and a certain Israelite.

וַיָּקָם בְּרֵאשִׁית הַיִּשְׂרָאֵלִית אֶת־הַשֵּׁם וַיִּקְלָל וַיָּבִיאוּ אֹתוֹ אֶל־מֹשֶׁה וְשֵׁם אִמּוֹ שְׁלֹמִית בַּת־דִּבְרִי לְמַטֵּה־דָן:

11-The son of the Israelite woman pronounced the Name in blasphemy, and he was brought to Moses—now his mother's name was Shelomith daughter of Dibri of the tribe of Dan—

וַיִּבְיַחְתּוּ בְּמִשְׁמַר לְפָרֹשׁ לָהֶם עַל־פִּי יְהוָה: (פ)

12-and he was placed in custody, until the decision of the LORD should be made clear to them.

וַיִּדְבֹר יְהוָה אֶל־מֹשֶׁה לֵאמֹר:

13-And the LORD spoke to Moses, saying:

הוֹצֵא אֶת־הַמְּקַלֵּל אֶל־מַחוּץ לַמַּחֲנֶה וְסָמְכוּ כָּל־הַשְּׂמַעִים אֶת־יְדֵיהֶם עַל־רֹאשׁוֹ וְרָגְמוּ אֹתוֹ כָּל־הָעֵדָה:

14-Take the blasphemer outside the camp; and let all who were within hearing lay their hands upon his head, and let the whole community stone him.

וְאֶל־בְּנֵי יִשְׂרָאֵל תְּדַבֵּר לֵאמֹר אִישׁ אִישׁ כִּי־יִקְלָל אֱלֹהָיו וַנִּשְׂא חֲטָאֵו:

15-And to the Israelite people speak thus: Anyone who blasphemes his God shall bear his guilt;

וְנִקָּב שֵׁם־יְהוָה מוֹת יוֹמָת רָגוּם יִרְגְּמוּ־בּוֹ כָּל־הָעֵדָה כַּגֵּר כַּאֲזָח בְּנִקְבוֹ־שֵׁם יוֹמָת:

16-if he also pronounces the name LORD, he shall be put to death. The whole community shall stone him; stranger or citizen, if he has thus pronounced the Name, he shall be put to death.

וְאִישׁ כִּי יַכֶּה כָּל־נֶפֶשׁ אָדָם מוֹת יוֹמָת:

17-If anyone kills any human being, he shall be put to death.

וּמִכָּה נֶפֶשׁ־בְּהֵמָה יִשְׁלַמְנָה נֶפֶשׁ תַּחַת נֶפֶשׁ:

18-One who kills a beast shall make restitution for it: life for life.

וְאִישׁ כִּי־יַחַת מוֹם בַּעֲמִיתוֹ כַּאֲשֶׁר עָשָׂה בֶן עֲשָׂה לוֹ:

19-If anyone maims his fellow, as he has done so shall it be done to him:

שָׁבַר תַּחַת שָׁבַר עֵין תַּחַת עֵין שָׁן תַּחַת שָׁן כַּאֲשֶׁר יַחַת מוֹם בָּאָדָם בֶּן יִגְתָּו בּוֹ:

20-fracture for fracture, eye for eye, tooth for tooth. The injury he inflicted on another shall be inflicted on him.

ומכה בהמה ישלמנה ומכה אדם יומת:

21-One who kills a beast shall make restitution for it; but one who kills a human being shall be put to death.

משפט אחד יהיה לכם כגור כאזרח יהיה פי אני יהיה אלהיכם:

22-You shall have one standard for stranger and citizen alike: for I the LORD am your God.

וידבר משה אל בני ישראל ויוציאו את המקלל אל מחוץ למחנה וינגמו אתו אבן ובני ישראל עשו כאשר צוה יהוה את משה: (פ)

23-Moses spoke thus to the Israelites. And they took the blasphemer outside the camp and pelted him with stones. The Israelites did as the LORD had commanded Moses.

ויצא בן-אשה ישראלית והוא בן-איש מצרי בתוך בני ישראל ויצאו במחנה בן הישראלית ואיש הישראלי:

10-There came out among the Israelites one whose mother was Israelite and whose father was Egyptian. And a fight broke out in the camp between that half-Israelite and a certain Israelite.

The son of an Israelite woman came out from his tent. Compare, “they came out and stood at the entrance of their tents” [[Numbers 16:27](#)].

Ibn Ezra

AND THE SON OF THE ISRAELITISH WOMAN WENT OUT — Whence did he go out? Surely not from the camp, since Scripture states “and they strove in the camp”! Rabbi Levi said, “He went out from (by his blasphemous utterance he lost) his eternal life (עולמו; R. Levi evidently connects ויצא with the last word of v. 8; “the everlasting covenant, ברית עולם”). R. Berachya said, “He set forth (יצא) (started his argument) from the above section. He said sneeringly: “Every Sabbath he shall set it in order!? Surely it is the way of a king to eat fresh (lit., warm) bread every day; is it perhaps his way to eat bread nine days old (lit., cold bread of nine days)?! (Midrash Tanchuma 38 23). A Baraita states that ויצא means, he came out of the judicial court of Moses where he had been pronounced to be in the wrong in the following matter: although his father was an Egyptian he had gone to pitch his tent in the camp of the tribe of Dan to whom his mother belonged (cf. v. 11). They (the men of Dan) said to him, “What have you to do here” (lit., what is your character that gives you the right to come here?). He replied. “I am one of the children of the tribe of Dan”. Thereupon they said to him, “Scripture states: ([Numbers 2:2](#)) “Every man [of the children of Israel shall encamp] by his own standard, that bears the signs of their father’s house”! He thereupon went in to the judicial court of Moses to have the matter decided and came forth (יצא) declared to be in the wrong. He then stood up and blasphemed (Sifra, Emor, Section 14 1; [Leviticus Rabbah 32 3](#)).

Rashi

יצא בן אשה ישראלית, “the son of an Israelite woman went out, (became involved in a serious argument) the word יצא is used in this sense also in [Numbers 16.27](#): יצאו נצבים, “they went out in a challenging posture;” as well as in [Proverbs 25.8](#): אל תצא לריב מהר, “do not be in a hurry to start a quarrel; this is the plain meaning of the line. Rashi on this line comments that this man whose father was an Egyptian, went to pitch his tent among the tents of the tribe of Dan, his mother’s tribe, as stated by the Torah. The Danites rejected him as tribal allegiance is based on the father and not on the mother. When he came to Moses complaining, the court upheld the opinion of the Danites. As a result of being frustrated, he cursed the G-d Who had so discriminated against him. The Torah had ruled that the tribes should each take up positions in camp in the vicinity of their respective tribal flags. [Numbers 2.2](#). This man then ridiculed a religion which sees fit to offer its G-d bread that had been baked as long ago as a whole week ago, instead of presenting Him daily with fresh bread. This had come to his attention on a Sabbath. Israelites took up their positions relative to the Tabernacle in their midst was established during the second month of the second year.

Chizkuni

וְאֶל־בְּנֵי יִשְׂרָאֵל תְּדַבֵּר לֵאמֹר אִישׁ אִישׁ כִּי־יִקְלַל אֱלֹהֵיו וַנִּשְׂא חֲטָאֵוּ:

15-And to the Israelite people speak thus: Anyone who blasphemes his God shall bear his guilt;

וְנִקְבַּ שְׁם־יְהוָה מוֹת יוֹמָת רְגוּם יִרְגְמוּ־בּוֹ כָּל־הָעֵדָה כַּגֵּר כַּאֲזֻחַ בְּנִקְבוֹ־שֵׁם יוֹמָת:

16-if he also pronounces the name LORD, he shall be put to death. The whole community shall stone him; stranger or citizen, if he has thus pronounced the Name, he shall be put to death.

By such evil utterance man divests himself of all virtue, and all his innate dignity becomes destructive. He becomes like a beast. He abuses the very thing which sets him above the beast—the gift of speech, using it for evil purposes, thus divesting himself of all intelligence and sinking lower than noxious vermin. The Torah therefore warns us against this since the beneficent Lord desires our well-being, and every utterance that undermines it violates his wishes.

Sefer haHinukh

There are, however, certain actions that the Jewish tradition might consider a type of blasphemy, some of which are more culpable than others. These actions can be categorized, from the more specific and punishable to the more general and unenforceable, as: (1) cursing God and God's name; (2) using God's name in vain, pronouncing it illicitly, or destroying its written form; (3) saying inappropriate things about God; and (4) acting in a manner that would bring disrepute upon the God of Israel (and, therefore, upon the people of Israel)...

The holiness of God's name was such that an offense against that name was considered a severe crime...A more specific reference occurs when, as a result of an altercation in the desert camp of the Israelites, the son of an Israelite woman and an Egyptian man enunciated the Name (*ha-shem*, presumably the tetragrammaton, YHVH) and cursed. Moses did not know what to do with the miscreant, but God informed him that the community was to put him to death by stoning after those who heard the curse placed their hands on the head of the sinner. Furthermore, those who curse God (*Elohim*) are culpable, and those who enunciate the name of YHVH are to be punished by stoning. The fact that the offender was not a full Israelite did not mitigate the severity of the crime, since the law applied to both the native born

and strangers. The sentence was then carried out (*Lv. 24:10–23*). Commentators are divided as to the exact nature of the offense for which this half-Israelite/half-Egyptian was executed—was it, for instance, pronouncing the name, cursing it, or both? In any event, it would appear that the man committed a transgression specifically against God's name, an act that could be construed as blasphemy and that was punishable by death.

Blasphemy: The Jewish Concept, Daniel J. Lasker in encyclopedia.com

וַיְדַבֵּר מֹשֶׁה אֶל־בְּנֵי יִשְׂרָאֵל וַיֹּצִיאֻהוּ אֶת־הַמְּקַלֵּל אֶל־מַחוּיָלַי לַמִּחְנֶה וַיַּרְגְּמוּ אֹתוֹ אֲבָן וּבְנֵי־יִשְׂרָאֵל עָשׂוּ כְּאֲשֶׁר צִוָּה יְהוָה אֶת־מֹשֶׁה: (פ)

23-Moses spoke thus to the Israelites. And they took the blasphemer outside the camp and pelted him with stones. The Israelites did as the LORD had commanded Moses.

The Torah informs us that the Children of Israel accepted and carried out the sentence, though they discussed it and held that no death penalty was due, since the culprit was the son of an Egyptian. Nevertheless, they executed the offender because God had ordered it to Moses. Some explain that this phrase refers to the earlier commandments regarding the feasts, the oil for the candelabrum, and the shewbread. In my opinion, however, the first explanation is more appropriate.

Abravanel, Emor 24

Talion

וְאִישׁ כִּי יַכֶּה כָּל־גֵּפֶשׁ אָדָם מוֹת יוּמָת:

17-If anyone kills any human being, he shall be put to death.

וּמִכָּה בְּהֵמָה יִשְׁלַמְנָה גֵּפֶשׁ תַּחַת גֵּפֶשׁ:

18-One who kills a beast shall make restitution for it: life for life.

וְאִישׁ כִּי־יִתֵּן מוֹם בְּעַמִּיתוֹ כְּאֲשֶׁר עָשָׂה כֵּן יַעֲשֶׂה לוֹ:

19-If anyone maims his fellow, as he has done so shall it be done to him:

שֹׁבֵר תַּחַת שֹׁבֵר עֵינַי תַּחַת עֵינַי שֹׁן תַּחַת שֹׁן כְּאֲשֶׁר יִתֵּן מוֹם בְּאָדָם כֵּן יִגָּתֵן לוֹ:

20-fracture for fracture, eye for eye, tooth for tooth. The injury he inflicted on another shall be inflicted on him.

וּמִכָּה בְּהֵמָה יִשְׁלַמְנָה וּמִכָּה אָדָם יוּמָת:

21-One who kills a beast shall make restitution for it; but one who kills a human being shall be put to death.

משפט אֶחָד יִהְיֶה לָּכֶם כַּגֵּר כַּאֲזָרָח יִהְיֶה פִּי אֶנִּי יְהוָה אֱלֹהֵיכֶם:

22-You shall have one standard for stranger and citizen alike: for I the LORD am your God.

The Connection between the *Talion* and the Blasphemer

The talionic formula here can't refer to broken bones, eyes, or teeth; the infraction is about cursing the Name. Why cite the *talion* in a case of blasphemy? Its meaning is clearly about a punishment fitting the crime, measure for measure; but a literal understanding of its citation here doesn't fit the idea of stoning a blasphemer. The key is understanding that the blasphemer is being treated as an Israelite, regardless of his parentage; like an Israelite; a half-Israelite will also be stoned to death for breaking one of God's laws. And thus, the *talion* becomes a statement about equality of all before the law – for better or for worse. On the heels of a series of laws and regulations, some of which seem to apply to all members of the community, others to just Israelites (or even just priests), the purpose of this anecdote, and the *talion* that follows it, is to work out boundaries and responsibilities of community members.

In the HC, *lex talionis* has become a proverbial expression intended to level the playing field, to enforce the revolutionary idea that there should be one law for all members of the community, regardless of class distinctions (again, with the exception of non-Israelite slaves).^[9] While certain regulations – specifically, obligations having to do with Israelite holidays or rituals – may seem to apply only to some (i.e. Israelites, or priests), that does not excuse non-Israelites from being held accountable for breaking God's laws.^[10]

Conclusion: Invoking the *Talion* Means Equal Treatment Under the Law

Emor continues HC's focus on the importance of maintaining holiness among the people and avoidance of polluting the land. All who lived in the community were responsible for maintaining holiness, and once the community was in the land of Israel, the land itself was to remain holy and non-polluted. The *talion* in the Law of Hammurabi applied among social equals only, with different consequences for non-equals.

HC has appropriated the *talion* here to apply to all who live in the Israelite community as a statement that all are equal in terms of being subject to God's laws.

Analyzing the passage within its context allows us to understand the application of *lex talionis* here as a general principle, rather than as a physical act of retaliative justice. In invoking the *talion* here in this way, HC fosters and advocates for an important advance in ancient jurisprudence: the idea of all people being equal under God.

Dr. Shawna Dolansky