



Retribution, Deterrence, or More? The Meaning of the Plagues

Parashat Va-eira, Exodus 6:1 - 9:34 | By Mark Greenspan

“Crime and Punishment” by Rabbi Abigail N. Sosland, (pp. 458-460) in *The Observant Life*

Introduction

Reward and punishment are intrinsic to the Bible beginning with the expulsion from Eden and continuing through Moses’ final words to Israel, “See, this day I set before you a blessing and a curse: a blessing if you obey the commandments of the Lord your God that I enjoin upon you today and a curse if you do not obey the commandments of the Lord your God...” (Deuteronomy 11:26-28). Abigail Sosland suggests that “our most basic theories of good, evil, and justice derive directly from Scripture, and it is for the most part through the contemplation of biblical texts that Western cultures have come to understand the values and reasonableness of punishment for wrongdoing.” Secular notions of justice are directly linked with the belief that there is such a thing as right and wrong - and that begins I believe with the belief in a God who demands justice.

And yet the issue is not so simple. Which came first, the chicken or the egg? Did the notion of a just God who demands certain behavior precede the laws of the Bible or did the laws of the Bible and the sense of justice give birth to a God in this image? Where does one draw the line between justice and retribution? What do we mean when we speak of human free will and what role does justice serve if the choices we make are not our own?

The heart of these issues first appears in the story of the Exodus. The ten plagues which strike Egypt are harsh and merciless. If they are a punishment then how do we explain the claim of the Bible that God hardened Pharaoh’s heart? How can Pharaoh be punished for something which he has no choice? Where is the justice in God actions in this complex series of events? And what is the purpose of judicial punishment? We continue to wrestle with these issues today. Do we mete out justice out of retribution or as a form of deterrence, to discourage wrong doing? And how really free is free will?

The Torah Connection

“But I will harden Pharaoh’s heart, and multiply My miraculous signs and wonders in Egypt. He will not listen to you. Then I will lay My hand on Egypt and with mighty acts of judgment I will bring out My troops, My people the Israelites. And the Egyptians will know that I am the Lord when I stretch out My hand against Egypt and bring the Israelites out of it.”

- Exodus 7:3-5

For this time I will send all My plagues upon your person, your courtiers, and your people, in order that they may know that there is none like Me in all the world. I could have stretched forth My hand and stricken you and your people with pestilence, and you would have been effaced from the earth. Nevertheless, I have spared you for this purpose: in order to show you My power...

- Exodus 9:14-15

God of retribution, Lord, God of retribution appear. Rise up, Judge of the earth, give the arrogant their deserts! How long, Lord, How long shall the wicked exult? They pour out arrogance, swaggering, boasting.

- Psalms 94:1-3

There are many passages in Scriptures which seem to contradict the principle of free will, and many have been misled by their tenor. They imagine that the Holy one preordains man to do good or evil. I shall provide a key to understanding these passages. When a person sins of his own freewill, he is punished, sometimes in this world, sometimes in the Hereafter, and sometimes in both. When does this apply? When he does not make amends. But if he makes amends, repentance is an antidote to retribution. The same as a person sins of his own prompting, so is his ability to repent. But it may sometimes happen that man's offence is so grave that is penalized by not being granted the opportunity to turn from his wickedness, so that he dies with the sin that he committed. To this the Almighty referred in Isaiah: "Make the heart of this people fat and make their ears heavy and shut their eyes." (Isaiah 6:10) ...In other words, they sinned of their own freewill till they forfeited the opportunity to repent which is the classic remedy. To this end, Scripture states: "I shall harden Pharaoh's heart." He sinned, first of his own free will...until he forfeited the opportunity to repent. Similarly, Sihon's iniquities were such to warrant repentance being denied to him...the Canaanites, too, forfeited by their abominations their opportunity to repent... We may conclude therefore that it was not God who forced Pharaoh to do evil to Israel...all of them sinned of their own promptings, forfeiting their right to repentance.

- Moses Maimonides, The Eight Chapters, Introduction to Pirkei Avot

Pharaoh took issue with Moses on three principles. Moses assumed the existence of a necessary, existent First Cause, whereas Pharaoh denied it saying, "I know not God." The second principle Moses laid down was that God watches over the ways of men and metes out reward and punishment to each according to his deserts which Pharaoh repudiated by enquiring, "Who is the Lord?" The third principle Moses asserted was that the provident God is the God of Israel, and all powerful, able to change the nature of things, according to His will. Pharaoh denied this mockingly by saying: "Who is the Lord that I must obey Him?" In other words, what power does God possess that I must submit to His demands? It was for this that the plagues came - to confirm these three principles. The first three plagues came to prove God's existence. The next three plagues came to assert the providence of God. The last three came to substantiate the third principle, that God can change the nature of things at will.

- Isaac Abarbanel, Commentary on the Torah

The highest ideal in Judaism is to do the will of God, "for the sake of heaven," i.e. out of love and without thought of reward or punishment. Yet all the classical sources of Judaism teach that virtue is rewarded by God and vice punished by Him. The medieval thinkers considered the doctrine of reward and punishment to be a fundamental principle of the Jewish faith.... There are three reasons why many moderns find the medieval formulation of the doctrine of reward and punishment unsatisfactory. These formulations are too neat, too cruel and too vindictive for our tastes and because of this represent what is for us an inferior concept of the deity.

- Louis Jacobs, *A Jewish theology*. (Behrman House, 1973. [Repr. 1974, 1996].)

Reflections

The other day as I participated in Shacharit services in synagogue I was struck by the power and the harshness of Psalm 94, the Psalm for Wednesday. At the very center of the week, Wednesday is farthest from the Sabbath in both directions; in a sense this day is the day we are furthest from God and trapped in the real world. It is no wonder that this psalm focuses on the prevalence of injustice and oppression in the world. The psalmist says, "Shall the wicked utter insolent speech, shall all evil doers vaunt themselves. They crush your people, O Lord, they afflict Your very own; they kill the widow and the stranger, they murder the fatherless, thinking, 'the Lord does not see it, the God of Jacob does not pay heed'" (Psalm 94:4-7). As I read this psalm I was struck by the fact that God is not just a judge but a vigilante seeking retribution against those who commit injustice.

Rather than focusing on the judicial issues of crime and punishment I would like to consider how theological metaphors influence our attitude toward these issues. There are many issues we could

focus on in exploring this topic but the most prominent one is the story of the Exodus. Moses brings a message of justice from God, “Let my people go,” and when Pharaoh refuses God sends a series of plagues which ultimately break the will of Pharaoh and the people of Egypt. But the story is more complicated than that. It would appear that Pharaoh doesn’t have much choice in how he reacts to God’s righteous demands. We are told an equal number of times that “Pharaoh’s heart was hardened” and that “God hardened Pharaoh’s heart” leaving us to wonder whether the king of Egypt had a choice in this duel or if he was simply a pawn playing out God’s game so that the world would see just how powerful was the God of Israel. This issue has troubled Jewish commentators and thinkers from time immemorial. If Pharaoh doesn’t have a choice then we are left to wonder where the justice is in the story of the Exodus!

Maimonides offers the classic answer to this question. He argues that there is no question of God’s absolute justice. However Maimonides compares human wickedness to addiction. The more we act in a wicked and unjust fashion the less free will we have in making choices. Initially Pharaoh hardens his own heart but when he refuses to free the Israelites God punishes him by taking his free will away. Injustice becomes an addiction yet becoming addicted to wicked behavior doesn’t make you less responsible for your actions.

I believe that there is some basis for Maimonides’ argument in the biblical narrative. If we look more carefully at the story of the plagues we notice there is a pattern of three. Moses gives Pharaoh a choice during the first two plagues of each grouping. Thereafter in the third plague of each series (that is the third, sixth, and ninth plagues) Pharaoh has no choice. God strikes Pharaoh without warning. It is similar to the parent who warns her child once, twice, and then when the child acts improperly again the child is visited with a punishment.

For Abarbanel the plagues are not punishment at all; they are meant to be didactic. When Moses first visits Pharaoh, the king of Egypt responds by challenging him: “Who is the Lord that I should heed him and let Israel go? I do not know the Lord nor will I let Israel go!” Abarbanel argues that the plagues are an attempt to answer Pharaoh’s challenge. They are not about retribution (though they are certainly harsh and painful) but an attempt to show Pharaoh who the Lord is and why he should heed God.

All of this leaves us with questions regarding crime and punishment. The Bible clearly allows for punishment for certain crimes including capital punishment. But is retribution an appropriate justification for punishment? Americans have come to idolize those who take justice into their own hands when the system fails and the courts don’t appear to be doing their job. The line between personal and communal retribution is a very fine one and too often leads to more violence. If you don’t believe me, well go ahead and ‘make my day...’ By having a God of retribution I wonder if we have given birth to as many problems as we have solved.

There are other topics to discuss in this chapter but they will have to be saved for a future Shabbat. Certainly the whole topic of capital punishment deserves more detailed discussion. Abigail Sosland’s analysis of the Jewish attitude toward this issue is particularly interesting, quite surprising, and not nearly as simple as we would like it to be.

Halakhah L'ma-aseh

1. *Legal scholars offer two main motivations for court based punishment of the guilty, deterrence and retribution, and both of these can be traced directly back to biblical ideas.*
- *The Observant Life*, p. 458
2. *The concept of deterrence underlies the many directives in Scripture to punish the guilty in a public fashion. Consider for example.... "All Israel will see and be afraid and they shall not continue to do evil things in your midst (Deuteronomy 13:12)*
- *The Observant Life*, p. 459
3. *The notion of retribution also appears throughout the biblical text, the lex talionis justice model of the post-Sinai list of regulations - an eye for an eye, a tooth for a tooth, a life for a life - had actually already appeared in God's commandment to Noah.*
- *The Observant Life*, p. 459
4. *In addition to deterrence and retribution, however, the Torah also suggests two additional rationales for judicial punishment. First, the concept that pure evil must somehow be obliterated from the community.... Second, the idea that justice can help rid the world of evil is carried even further through the notion that justice actually cleanses the land and purifies the connection of its citizens with God.*
- *The Observant Life*, p. 459
5. *Despite the Torah's clear theoretical directives to establish justice in the land, the actual authority to administer judicial punishment has been limited throughout Jewish history....since the destruction of the Second Temple and until modern times, in fact, Jews have lacked the ability or the means to adjudicate most criminal cases.*
- *The Observant Life*, p. 460

Questions to Ponder

1. Read the two verses above from Exodus. What do they say about the purpose of the plagues? Do you think that either God or Moses carried out the plagues with an end game in mind?
2. What do you think the purpose of the plagues was? Who do you think got it right: Maimonides or Abarbanel?
3. Is retribution ever an appropriate reason for carrying out justice?
4. Consider the four reasons for judicial punishment that Abigail Sosland finds in the Bible. To what extent do you think that they are motivating factors in the contemporary judicial process?
5. For the first time in two thousand years Jews are in the unique position of having the authority to administer justice now that we have courts of law in the State of Israel. To what extent should those courts be influenced by Jewish values and process?

Adapted from Torah Table Talk by Mark Greenspan