

**Benjamin Porat | Evaluating Bodily Injury:  
Human Nature and Social Structure**

The evaluation of bodily injury is one of the most complicated areas of tort law. How should the value of a human limb be determined, and what are the relevant parameters for doing so?

This question is related to the most basic objectives of tort law, and this arena is one in which corrective justice approaches and distributive justice approaches find themselves in a frontal confrontation. Certain forms of assessment of bodily injury contribute to the preservation of social gaps, and even to widening them. Other forms of assessment of bodily injury, on the other hand, contribute to narrowing social gaps and to promoting the value of equality.

This article compares the approaches of three legal systems: Roman law, Jewish law and modern (Israeli) law. I argue that each of these three legal traditions developed distinct methods for evaluating bodily injury, which reflect unique conceptions of human nature and social structure. For that purpose, a careful analysis of both monetary damages and non-monetary damages according to these legal systems is needed, with emphasis on their socio-economic ramifications. An in-depth examination of the arrangements offered by Roman law, Jewish law, and modern law will lead us towards a deeper understanding of the way each of these legal systems draws the nature of human being.