

Bethel AME Church
Insights from the Rabbis 2
Class Notes 4/18/21

We have been looking at the Old Testament idea of “an eye for an eye,” and we saw that rather than being harsh and vengeful, in fact its purpose was to restrict such vengeance, to put a limit to what kind of punishment could be inflicted on offenders. In contrast to other ancient cultures, and some more modern ones, this principle insists that the punishment must fit the crime, that you can’t execute someone for theft or put them in prison for ten years for selling a small amount of marijuana on a street corner. The human tendency to extract severe retribution when wronged is to be kept in check so that the cycle of violence does not escalate. “An eye for an eye” is a standard of justice, not revenge.

The question still remains, how literally are we to understand this phrase? Is it meant to be a strict law or a more general guiding principle? Is it about actual punishment or does it imply something else? Again we note that in the OT narratives we see no example of anyone being punished by such bodily mutilation. And later the rabbis categorically reject a literal implementation of this rule. The Mishnah, the earliest collection of rabbinic teaching, makes this clear. “*One who injures another is liable to pay compensation for five things: physical injury, pain, medical costs, loss of income, and humiliation*” (*m. Bava Kamma* 8.1). Note that they understand the injury to be more than simply the physical damage that was inflicted. The Mishnah goes on to discuss how you calculate the financial worth of each aspect of the injury. It also comments that the humiliation, the hurt feelings, caused by the assault cannot be satisfied only through financial restitution but that the assailant must also seek the person’s forgiveness. Compensation, not punishment, is the main focus here.

The lengthy discussion of this ruling later in the Talmud wrestles with just how to justify this non-literal interpretation from Torah (*Bava Kamma* 83b-84a). Although the rabbis do not come up with a definitive proof text, they clearly do not want to take this phrase literally. As they say about actual physical mutilation, “That interpretation should not enter your mind.” In part they base this understanding on the passage in Leviticus 24 that speaks of making restitution for harming an animal, which they say must then also be applied to humans. They also cite Numbers 35:31, which prohibits taking money instead of executing a murderer. They infer from this verse that it was the practice to take financial restitution for non-lethal types of injury. So in all cases except capital punishment for murder, “an eye for an eye” is not to be taken literally.

In a lengthy discussion, they also base their argument on the difficulty of applying the “eye for an eye” principle literally. Let me quote a concise summary of their discussion from a modern rabbi: “*The justice of ‘an eye for an eye’ is more apparent than real: one man’s eyesight may be stronger or weaker than the other’s, and by taking one eye for the other, true equivalent justice is not being served....Also, if a blind man takes another’s eye, or a cripple without legs destroys someone else’s leg, how can justice be served? Further, when an eye or any organ is extracted from a living body it causes serious incidental injury, often endangering the individual’s life, and the Torah said ‘an eye for an eye,’ not*

‘an eye and a soul for an eye.’” (R. Moshe Shamah, *Recalling the Covenant*, p. 401). In addition, the rabbis argue that people experience physical and emotional pain differently, so how would it be possible to find an exact equivalent? By trying to apply this saying literally you risk exceeding the actual punishment and thereby acting unjustly.

For the rabbis, then, “an eye for an eye” functions more as a cautionary principle against excessive punishment, rather than as a list of actual punishments. Making restitution to someone who has been harmed is more important than punishing an offender.

b. Jesus’ Teaching

Jesus also seems to indicate that his disciples should not follow this saying literally. In the Sermon on the Mount, as part of a series of “You have heard it said...but I say to you” statements, Jesus offers his creative interpretation of “an eye for an eye” (Matt. 5:38-41). Jesus essentially says, “Like the old saying ‘an eye for an eye,’ whose purpose is to limit vengeance, I am going to give you some further examples to think about so that when you find yourself in a hostile situation you will not do something to escalate the conflict.” Fundamentally, Jesus’ purpose here is in line with Torah’s principle, but he takes things even further (as he does in the rest of the passage with other laws). And as Jesus often does, he shifts the focus of the discussion slightly. As we saw, “an eye for an eye” comes in the context of what we think of as a legal judgment by society, by the court system. Jesus does not undermine the legal principle it expresses about how society should operate but rather focuses on the reaction of an injured party. Jesus is no more overturning Torah here than were the rabbis.

None of the examples Jesus gives have anything to do with bodily injury. So “an eye for an eye” does not apply literally to any of these cases. A back-handed slap on the right cheek is an insult, not a punch, as we see in other references to this in Scripture (Job 16:10). God’s faithful servant offers his cheek to such insults, trusting in God to defend him (Isaiah 50:6). It is a sign of patient endurance in times of trouble (Lamentations 3:30). I think in Jesus’ teaching here, offering the other cheek is a surprise reaction. It is neither fight nor flight. It means standing your ground but refusing to escalate the situation. Be creative, don’t insist on strict justice, tit for tat. You don’t have to apply the general judicial principle of “an eye for an eye” to every situation, especially personal ones. Jesus has just indicated that there will be some kind of judgment on those who insult someone publicly (Matt. 5:22). So Jesus is not saying that the slap in the face doesn’t matter or should be ignored. He is just saying, don’t return insult for insult.

The Mishnah actually addresses this example in the same section that discusses compensation for injury. When the rabbis come to the issue of public humiliation, they rule: “One who slaps another’s face must give him 200 *zuz*, and if it is with the back of the hand he must give him 400 *zuz*” (*m. Bava Kamma* 8.6). The rabbis view an open-handed slap (which would be on the left cheek) as a serious insult deserving a substantial monetary fine (roughly equivalent to two months’ pay). But a back-handed slap (to the right cheek) is even more serious and the fine is doubled.

Again, what interests me here is that Jesus sidesteps the issue of punishment by shifting the focus from what penalty might be due the offender to the reaction of the one offended. As any course on anger management will teach, you cannot control how other people treat

you but you can control how you respond. You don't have to respond in kind to someone who wrongs you. Two wrongs, as everyone's parents used to say, don't make a right.

The other two examples Jesus gives are not even offenses or crimes that would warrant some kind of punishment. They are simply unpleasant experiences that life may throw at you. Indeed, in the second example, you are the one who has committed an offense, and are being taken to court and sued. It is not clear if giving the coat is simply an act of extravagant generosity in the middle of a contentious situation, or if it is meant to make your opponent feel bad. Normally a person only wore two garments, a long tunic ("shirt" NIV) and a loose coat (or cloak) over it. At least for poor people, the coat was their sleeping bag at night. So if in court you handed both garments over to your opponent, you would be left naked.

Many commentators have argued that such a dramatic action would embarrass the other person and make them back down (perhaps like turning the other cheek). But that assumes that the lawsuit is unjust, which Jesus does not say. Jesus seems to indicate that in fact you do owe the person your shirt. You have done something wrong. So it is doubtful to me that Jesus meant this as an act of public shaming. Again a few verses earlier he has already spoken about this type of situation and says that one should make friends with your opponent before you ever actually get to court (Matt. 5:25). Do what you need to do to rectify the situation, to make right the wrong you have done, even going beyond the requirements of strict justice. Reconciliation is better than having your day in court.

We saw last year that for at least some offenses Torah requires a restitution of 20% above and beyond the original loss to the person (Lev. 6:1-5; Num. 5:5-7). In certain cases of theft, restitution must be double (Ex. 22:9) or even four to five times the amount of the theft (Ex. 22:1, 4, 9). Zacchaeus promises to make such extraordinary restitution for those he has defrauded (Luke 19:8). So Jesus' challenge to his disciples in the Sermon on the Mount is rooted here in Torah. Make sure that if you have harmed someone else, you go out of your way to make things right. Don't use the "eye for an eye" principle to justify your reluctance to fully compensate someone you have injured or cheated. Be generous so that not only the physical cost of the offense is repaid but also the personal and emotional damage is healed and the relationship is restored.

The third example, from which we get our expression "go the extra mile," refers to the occupying Roman army's right to force civilians to help carry their equipment. But Roman law strictly limited this right to one mile. So going an extra mile meant going beyond what was legally required, even for someone who you considered to be the enemy. Jesus will go on to talk more about loving your enemy in the passage that follows.

In all of this, I think Jesus is saying, "Don't take this legal formula of 'an eye for an eye' as a strict model for how you live your life. But do take its intent to avoid the escalation of conflict and revenge seriously. Think about how to creatively resolve disputes and hostility without simply continuing the cycle of violence and animosity." Jesus is encouraging strength, humility and generosity even in the midst of difficult circumstances, not insisting on "my rights" or getting back at the other person. Jesus will later echo this teaching in telling his disciples that those who take up the sword will die by the sword

(Matt. 26:52). The cycle of violence that you enter into and perpetuate may well come back to destroy you.

So like the later rabbis, Jesus treats the “eye for an eye” statement more as a type of poetic formulation or general principle rather than a technical law as such. It has a parallel in Jesus’ statement a few verses earlier that if your eye causes you to sin, pluck it out or if a hand, chop it off (Matt. 5:29-30). This is sermonic hyperbole, overstatement to make a point. Even people who say they take the Bible literally don’t have churches full of eyeless, hand-free people. And while those churchgoers may call for a literal application of the phrase “a life for a life” (which Jesus does not mention here) they do not take the rest of Torah’s statement literally and insist that the government perform oral surgery or break people’s bones. So there is a great inconsistency in how Christians have understood this saying.

Jesus is illustrating for his disciples how to interpret and apply Torah. Elsewhere Jesus teaches that the heart of Torah involves both justice and mercy (Matt. 23:23), something we have discussed in detail in this class. We saw that when speaking about divorce, Jesus says, yes, Torah gives you permission to get divorced in one specific verse. But let’s look at other significant principles in Torah before taking such a drastic action. So also here I think he is saying, sure, Torah allows you to take an eye for an eye when you are harmed. But let’s step back for a minute and look at the bigger picture and the implications of always insisting on that right. Where do other Torah values like love even for your enemy, compassion and mercy, forgiveness for sinners, humility, what do these have to tell you about how to respond? What will be the consequences of seeking strict justice in this specific situation? We have seen that Joseph must have gone through some sort of thought process like this in considering what to do with Mary. This is what righteousness looks like.

For Jesus, this is how his disciples are to observe Torah. The real focus of Torah’s laws about interpersonal relationships is not punishment but restitution. You need to make things right with someone you have harmed. As we have seen, that is part of what repentance means. And you should also try to avoid making things worse when someone harms you.

John Goldingay, a Christian Old Testament scholar, says this idea of making restitution may even help us make sense of the phrase “a life for a life.” Yes, that could refer to a literal execution, and that might satisfy some abstract standard of justice as well as the need for vengeance. But as families of homicide victims know, nothing can ever really compensate for the loss of their loved one. And in the Bible the loss is not simply personal; it also has a social and economic aspect to it. Really making restitution for that loss of life, really giving a life for a life, would mean giving your life in service to that family rather than simply depriving you of your own life. The same would apply for the loss of an eye or limb: the person causing the injury would help out by doing things the injured person could no longer do, rather than having his own hand chopped off and so be forced to depend on others to work for him. The offender would give his eye or his hand in service to the person injured. “An eye for an eye” could then be understood as making up for the loss rather than being punished for it.

This is an intriguing notion to me, one I have not encountered elsewhere, one that should cause us to think in more complex ways about this saying and its application. Jesus is asking us to think not just how some abstract idea of justice should be satisfied but what set of actions might benefit all of society, especially the person who was wronged. (At times our modern courts do determine that some sort of community service would be a more just sentence than prison.) The difficulty in figuring out just how this would be applied is probably why the rabbis opted for a simple financial restitution for the injury. But Jesus encourages his disciples to go beyond the literal application of the Law and think more deeply about how we react when we are wronged and what the consequences of those actions might be. Retribution, demanding that someone be punished to the full extent of the law, may not always be the best solution.

One of the issues this raises in my mind is the hotly debated topic of reparation for slavery in America. On the one hand, the idea creates a logical and logistical nightmare. Who exactly should get reparations? What kind of restitution might actually compensate people for centuries of oppression and abuse? Money is what people usually talk about, but how much? And would money really make adequate restitution? I don't have the answer to these difficult questions. But I understand why people are raising the issue. Whatever solution proposed to these questions would be inadequate in terms of actual compensation. But, just doing something would be a symbolic step of great importance. Sadly, I don't think most of America is willing to make such a *mea culpa*, although it is being done in some places. But Jesus is saying, at least on a personal level, that you need to go over and above what is strictly "just" in order to make such restitution. Perhaps one question that might be raised would be: how could the Church do this? America as a whole might not be willing, but the Church should really look at its own responsibility for supporting and defending slavery and think about what it could do to make up for it, not just giving its shirt (which is the bare minimum it owes) but its cloak as well. What would it mean for the Church to make reparations for slavery? How could that be done?