

“Eye for an eye”: Proportionality in behavior and restitution

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All passages from the New American Standard Bible unless otherwise noted.

In our previous excursus from Yeshua’s apocalyptic discourse in Matthew 24–25, Luke 21 and Mark 14, we looked at how *lashon ha-ra* (“the evil tongue,” i.e., gossip, slander and divisiveness) will be one of the latter-day plagues among God’s people.

In this excursus, we explore a related underlying principle taught in the Torah, by Yeshua and His apostles: proportionality. The Torah idiom “eye for eye, tooth for tooth” is often fingered by some fellow Christians as an example of “old covenant” that Yeshua took believers away from with the “new covenant.” Often cited is Yeshua’s instruction on the matter, one of what some theologians call Yeshua’s “six antitheses,” or oppositional teachings:

“You have heard that it was said, ‘AN EYE FOR AN EYE, AND A TOOTH FOR A TOOTH.’ But I say to you, do not resist an evil person....” (Mt. 5:38–39)

And “eye for an eye” has come into popular culture as an undesirable policy of retaliation, or *lex talionis* in Latin, as seen in these quotations:

George Perry Graham, during a debate on capital punishment before the Canadian House of Commons, 1914: “If in this present age we were to go bak to the old time of ‘an eye for an eye and a tooth for a tooth,’ there would be very few honourable gentlemen in this House who would not, metaphorically speaking, be blind and toothless.”¹

Martin Luther King Jr. in 1958: “Violence as a way of achieving racial justice is both impractical and immoral. It is impractical because it is a descending spiral ending in destruction for all. The old law of an ‘eye for an eye’ leaves everyone blind. It is immoral because it seeks to humiliate the opponent rather than win his understanding....”²

Tevye in *Fiddler on the Roof* from 1971: [After a villager exclaims, “An eye for an eye, and a tooth for a tooth!”] “Very good. That way the whole world will be blind and toothless.”³

What we’ll see in the Bible, though, is the instructional Torah idiom isn’t a command for “mirror punishment,” i.e., tit for tat or vigilante justice.

- Commands for “eye for eye” in the Torah:

- “If men struggle with each other and strike a woman with child so that she gives birth prematurely, yet there is no injury, he shall surely be fined as the woman’s husband may demand of him, and he shall pay as the judges decide.²³ But if there is any further injury, then you shall appoint as a penalty life for life,²⁴ eye for eye, tooth for tooth, hand for hand, foot for foot,²⁵ burn for burn, wound for wound, bruise for bruise.²⁶ If a man strikes the eye of his male or female slave, and destroys it, he shall let him go free on account of his eye.” (Ex. 21:22–26)
- “The one who takes the life of an animal shall make it good, life for life.¹⁹ If a man injures his neighbor, just as he has done, so it shall be done to him:²⁰ fracture for fracture, eye for eye, tooth for tooth; just as he has injured a man, so it shall be inflicted on him.²¹ Thus the one who kills an animal shall make it good, but the one who kills a man shall be put to death.²² There shall be one standard for you; it shall be for the stranger as well as the native, for I am the LORD your God.” (Lev. 24:18–22)
- “A single witness shall not rise up against a man on account of any iniquity or any sin which he has committed; on the evidence of two or three witnesses a matter shall be confirmed.¹⁶ If a malicious witness rises up against a man to accuse him of wrongdoing,¹⁷ then both the men who have the dispute shall stand before the Lord, before the priests and the judges who will be in office in those days.¹⁸ The judges shall investigate thoroughly, and if the witness is a false witness and he has accused his brother falsely,¹⁹ then you shall do to him just as he had intended to do to his brother. Thus you shall purge the evil from among you.²⁰ The rest will hear and be afraid, and will never again do such an evil thing among you.²¹ Thus you shall not show pity: life for life, eye for eye, tooth for tooth, hand for hand, foot for foot.” (Dt. 19:15–21)
 - An exception in the Torah for proportionality in judgment is for false witnesses in a trial. Malicious words can result in receiving a physical punishment.
 - Another example of “show now pity” is found in a seemingly bizarre judgment against a vindicating wife:
 - “If two men, a man and his countryman, are struggling together, and the wife of one comes near to deliver her husband from the hand of the one who is striking him, and puts out her hand and seizes his genitals,¹² then you shall cut off her hand; you shall not show pity.” (Dt. 25:11–12)
 - The Hebrew word translated *pity* is כּוּחַ *khoos* (Strong’s lexicon No. H2347): *pity, look upon with compassion*⁴
 - “It should be distinguished from כּוּחַ *khamal* (H2550) ‘to spare,’ and רַחֵם *rakham* (H7355) ‘to love, have mercy upon,’ although the distinctions sometimes fade.”⁵

1 Official Report of the Debates of the House of Commons of the Dominion of Canada, Third Session, 12th Parliament, Vol. CXIII, p. 496, Feb. 5, 1914. <http://parl.canadiana.ca/view/oop.debates_HOC1203_01/508?r=0&s=1>. This quote is misattributed to Mahatma Gandhi but was put in his mouth in the 1982 film *Ghandi* <http://en.wikiquote.org/wiki/Mahatma_Gandhi>.

2 Martin Luther King Jr. *Stride Toward Freedom: The Montgomery Story*. 1958.

3 “Fiddler on the Roof (1971) quotes.” *Internet Movie Database (IMDb)*. <<http://www.imdb.com/title/tt0067093/quotes>>

4 Francis Brown, S. R. Driver, and Charles A. Briggs, eds. *The Brown-Driver-Briggs Hebrew and English Lexicon (BDB)*. Oxford: Clarendon Press, 1906.

5 R. Laird Harris, Gleason L. Archer, and Bruce K. Waltke, eds. *Theological Wordbook of the Old Testament (TWOT)*. Chicago: Moody Press, 1980.

- The root meaning of לָמַח, based on Arabic cognates, is *to be patient with*⁶ or *bear, become responsible*.⁷
- The root meaning of אָחַץ is *to embrace lovingly*, which is where the meaning comes from for the related word אֶרֶם *rekhem* (H7358) for *womb*.
- “The basic meaning of אָחַץ surfaces in Ezek. 24:14, where it appears after ‘go back’ and before ‘repent’ apparently being parallel with both. All three are spoken by God who refuses to cancel the coming judgment. So, our word denotes God’s refusal to spare the people out of pity from the anticipated judgment.”⁸
- So, God’s point seems to be that judges should not shrink back from their duty to consider corrections — to leave the matter unaddressed — because of sentiments about the person.
- If you’re cringing by how harsh these punishments are, that’s the point.
 - Consider these two judgments at the beginning of Deuteronomy 25:
 - “If there is a dispute between men and they go to court, and the judges decide their case, and they justify the righteous and condemn the wicked, ² then it shall be if the wicked man deserves to be beaten, the judge shall then make him lie down and be beaten in his presence with the number of stripes according to his guilt. ³ He may beat him forty times but no more, so that he does not beat him with many more stripes than these and your brother is not degraded in your eyes.” (Dt. 25:1–3)
 - Martin Luther King Jr. seemingly unwittingly touched on the meaning of this judgment, malevolently applying “eye for an eye” creates “a descending spiral ending in destruction for all” and “seeks to humiliate the opponent rather than win his understanding.”
 - “You shall not muzzle the ox while he is threshing.” (Dt. 25:4)
 - Apostle Paul noted that this judgment has more than a *pashat*, or literal, meaning: A worker is worth his wages and should be able to sustain himself from what he produces (1st Cor. 9:9; 1st Tim. 5:18).
 - What we see are deeper-than-surface — i.e., spiritual — judgments. They teach that judges can’t shirk judgment, but how they mete it out is another matter. This is proportionality.
- This brings us back to Yeshua’s reflecting on the “eye for an eye” command from the Torah.
 - “You have heard that it was said, ‘AN EYE FOR AN EYE, AND A TOOTH FOR A TOOTH.’³⁹ But I say to you, do not resist an evil person; but whoever slaps you on your right cheek, turn the other to him also. ⁴⁰ If anyone wants to sue you and take your shirt, let him have your coat also. ⁴¹ Whoever forces you to go one mile, go with him two. ⁴² Give to him who asks of you, and do not turn away from him who wants to borrow from you. ⁴³ ‘You have heard that it was said, ‘YOU SHALL LOVE YOUR NEIGHBOR and hate your enemy.’ ⁴⁴ But I say to you, love your enemies and pray for those who persecute you, ⁴⁵ so that you may be sons of your Father who is in heaven; for He causes His sun to rise on the evil and the good, and sends rain on the righteous and the unrighteous. ⁴⁶ For if you love those who love you, what reward do you have? Do not even the tax collectors do the same? ⁴⁷ If you greet only your brothers, what more are you doing than others? Do not even the Gentiles do the same? ⁴⁸ Therefore you are to be perfect, as your heavenly Father is perfect.” (Mt. 5:38–48)
 - Yeshua distilled the proportionality of judgment and the need for reconciliation and restoration.
 - The LORD gave Israel instructions on how someone who has wronged someone reconciles:
 - “‘Speak to the sons of Israel, “When a man or woman commits any of the sins of mankind, acting unfaithfully against the LORD, and that person is guilty, ⁷ then he shall confess his sins which he has committed, and he shall make restitution in full for his wrong and add to it one-fifth of it, and give it to him whom he has wronged.” ’” (Num. 5:6–7)
 - The word translated *restitution* comes from שׁוּב *shub* (H7725), a root verb that means *to turn back, return*, and is understood to mean *repentance*.⁹
 - A derivative word is תְּשׁוּבָה *tshuwbah* (H8666), often used for *repentance*, means a *return*.
 - Part of that turning back to God and to fellow members of Israel involves a premium on top of the value of the wrong committed. A 20 percent premium is a frequent figure used for restitution.
 - “If a person acts unfaithfully and sins unintentionally against the LORD’s holy things, then he shall bring his guilt offering to the LORD: a ram without defect from the flock, according to your valuation in silver by shekels, in terms of the shekel of the sanctuary, for a guilt offering. ¹⁶ He shall make restitution for that which he has sinned against the holy thing, and shall add to it a

6 Ludwig Koehler, Walter Baumgartner, and M.E.J. Richardson, eds. *The Hebrew and Aramaic Lexicon of the Old Testament (HALOT)*. Leiden: Brill, 2000.

7 BDB.

8 TWOT.

9 Robert L. Thomas, ed. *Hebrew-Aramaic Dictionary of the New American Standard Exhaustive Concordance (NAS)*. La Habra: Lockman Foundation, 1981.

fifth part of it and give it to the priest. The priest shall then make atonement for him with the ram of the guilt offering, and it will be forgiven him. ¹⁷ Now if a person sins and does any of the things which the LORD has commanded not to be done, though he was unaware, still he is guilty and shall bear his punishment.” (Lev. 5:15–17)

- The word for *restitution* here is *שָׁלֵם* (*shalem* (H7999a), a root verb that means *to be complete or sound*.¹⁰ It’s where the word *שָׁלוֹם* *shalom* comes from.
- Examples pointed to by Bible skeptics of God’s superior judgment are Torah commands that seem to levy disproportional punishment:
 - Death for Shabbat breaking
 - Death for sexual deviance
 - Death for bad-mouthing one’s parents
 - Death for idolatry and pagan practices
 - Ostracism for eating the Passover without being circumcised or having leaven during the Feast of Unleavened Bread
 - Ostracism until evening for eating unclean
 - Ostracism for having certain ailments or conditions
- Peace-making in matters big and small is training for now and for the age to come, according to:
 - The Messiah:
 - “If your brother sins, go and show him his fault in private; if he listens to you, you have won your brother. ¹⁶ But if he does not listen to you, take one or two more with you, so that BY THE MOUTH OF TWO OR THREE WITNESSES EVERY FACT MAY BE CONFIRMED. ¹⁷ If he refuses to listen to them, tell it to the church; and if he refuses to listen even to the assembly, let him be to you as a Gentile and a tax collector. ¹⁸ Truly I say to you, whatever you bind on earth shall have been bound in heaven; and whatever you loose on earth shall have been loosed in heaven.” (Matt. 18:15–18)
 - “And why do you not even on your own initiative judge what is right? ⁵⁸ For while you are going with your opponent to appear before the magistrate, on your way there make an effort to settle with him, so that he may not drag you before the judge, and the judge turn you over to the officer, and the officer throw you into prison. ⁵⁹ I say to you, you will not get out of there until you have paid the very last cent.” (Luke 12:57–59)
 - And Paul:
 - “Does any one of you, when he has a case against his neighbor, dare to go to law before the unrighteous and not before the saints? ² Or do you not know that the saints will judge the world? If the world is judged by you, are you not competent to constitute the smallest law courts? ³ Do you not know that we will judge angels? How much more matters of this life? ⁴ So if you have law courts dealing with matters of this life, do you appoint them as judges who are of no account in the church? ⁵ I say this to your shame. Is it so, that there is not among you one wise man who will be able to decide between his brethren, ⁶ but brother goes to law with brother, and that before unbelievers? ⁷ Actually, then, it is already a defeat for you, that you have lawsuits with one another. Why not rather be wronged? Why not rather be defrauded? ⁸ On the contrary, you yourselves wrong and defraud. You do this even to your brethren. ⁹ Or do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived; neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor homosexuals, ¹⁰ nor thieves, nor the covetous, nor drunkards, nor revilers, nor swindlers, will inherit the kingdom of God. ¹¹ Such were some of you; but you were washed, but you were sanctified, but you were justified in the name of the Lord Jesus Christ and in the Spirit of our God.” (1st Cor. 6:1–11)
 - This dealing with matters internally as much as possible comes from the Torah:
 - “If any case is too difficult for you to decide, between one kind of homicide or another, between one kind of lawsuit or another, and between one kind of assault or another, being cases of dispute in your courts, then you shall arise and go up to the place which the LORD your God chooses.” (Deut. 17:8)

¹⁰ NAS.