

An Eye for an Eye

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In the last few months, I've heard more than one television commentator refer to the legal principle of "an eye for an eye." In most cases, the commentators got it wrong. They used it as a rationale for taking revenge for some perceived wrong. In one case, I heard a female host of a so-called news program say, "After all, the Bible commands us to take an eye for an eye, so we have to strike back!"

I also hear some Christians take the same approach. They love to quote Old Testament laws and justify it by saying that God approves of that approach, since it's written in the Bible after all. It seems to me that those Christians who quote Old Testament laws against one thing or another condemn whatever they don't like. The Bible ends up confirming their own biases and prejudices.

It happens most often with those Christians who think the Bible condemns same-gender relationships, for example. They are horrified by same-gender couples, so they haul out what some scholars call the "clobber texts" — seven brief passages in the Bible which seem to condemn members of the LGBTQ+ community. I say, "seem to condemn," because they don't really condemn what we call committed, same-sex relationships. But that's another column.

Today, we are thinking about "an eye for an eye," which is found in Exodus 21: "If any harm follows, then you shall give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe." The same law is repeated in Leviticus 24, and again in Deuteronomy 19: "Show no pity: life for life, eye for eye, tooth for tooth, hand for hand, foot for foot."

We should be aware that this legal principle didn't originate in the Bible. It was developed in early Babylonian law as found in the Code of Hammurabi from about 1785 BCE, which predates the Pentateuch (the first five books of the Bible, Genesis, Exodus, Leviticus, Numbers, and Deuteronomy) by over 1,000 years. Hammurabi, a king in the First Babylonian dynasty, wrote this code of 282 laws as a way of strengthening the society which he ruled. He had been successful in conquering other city-states, and as his empire grew, he had to find a way to unify the various groups he had conquered. This Code ensured that there would be one system of justice, applies equally to all. In a society which had different classes of people with different sets of rights, it tried to protect the rights of women, employees, and even slaves in some instances.

Hammurabi clearly states in the Preamble that he wants "to make justice visible in the land, to destroy the wicked person and the evil-doer, that the strong might not injure the weak."

Study has shown that this Code became widely known in the ancient world. Ancient Jews came to know it particularly well during the time of the Exile in Babylon (from 598 to 538 BCE). Since the Pentateuch was edited into its final form during the Exile, it is inevitable that it would reflect the influence of this Babylonian code.

It has come to be called the "lex talionis," which literally means the "law of retaliation." It is not a command that people must retaliate. Rather, the context suggests very strongly that this code of "an eye for an eye" is meant to limit the amount of retaliation. It is a principle of

proportionate punishment which defined and limited the extent of retaliation. In Hammurabi's words, it ensures that "the strong might not injure the weak."

It is proportionate, which means that instead of taking a foot for an injury to a finger, one can only retaliate in a manner similar to the original injury. If someone wounds you, you can't go out to kill them; you may only wound them in return in the same way as you were injured.

Even in its Babylonian form, the commentators mentioned above have misunderstood this legal principle. It's not a command to retaliate; rather, it seeks to limit the amount of retaliation you can inflict.

Indeed, the Bible takes it a step further. In the opening stories of creation, the Bible claims that all people are equal in the sight of God. All bear the image of God. That understanding makes it clear that all people must be treated equally, that the rich could not lord it over the poor, and that those who injured another ought to be treated with a proportional sense of justice.

For Christians, of course, Jesus takes it several steps further. In Matthew 5, he says, "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 evildoer. But if anyone strikes you on the right cheek, turn the other also; and if anyone wants to sue you and take your coat, give your cloak as well; and if anyone forces you to go one mile, go also the second mile. Give to everyone who begs from you, and do not refuse anyone who wants to borrow from you."

To be clear, Jesus does not advise people to be milquetoasts or to let others walk all over them. Rather, his concern is to ensure that his followers will build relationships of compassion and grace with other people, even those who injure them. The end goal, of course, is that those relationships would be solid enough that unintentional injury would be seen as an accident without need for retaliation, and that intentional injury would have other forms of control.

It is a laudable goal for a society which seems to be heading for self-destruction as we eagerly call out that we must take revenge on our foes and enemies.