

ANTITHESES OR EXTENSIONS?

IN THE Sermon on the Mount (Matt 5–7), Jesus instructs his disciples:

“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.” (Matt 5:38–42)

This passage, too often stripped down to “turn the other cheek, give the coat off your back, and go the extra mile,” is among the most familiar and highly regarded of the New Testament’s writings. It is also among the most likely to be cited, by people unfamiliar with the Hebrew Bible or Judaism, as demonstrating a contrast between the teachings of the “Old Testament,” seen as legalistic, and the teachings of the “New Testament,” seen as merciful. We have frequently heard that Judaism promotes an “eye for an eye” mentality, a focus on retribution, and a system that would, as Mohandas Gandhi is supposed to have said, “make the whole world blind.” We have also heard, although not as often, that Jesus was a pacifist who would

reject not only gun ownership but also self-defense. Both views are incorrect.

Jesus's statement is best understood in its literary and historical contexts. Turning the other cheek is, first, to be located in the context of his teachings on murder, adultery, divorce, oath-taking, and love of neighbor. Second, unless we recognize how the antecedent laws in Israel's Torah functioned in their own time and in subsequent generations, we will necessarily misunderstand what Jesus is saying.

The teachings on turning the cheek, giving the shirt, and going the extra mile appear within a collection of sayings that begin with some variant of the formula, "you have heard it said. . . . But I say to you." These are typically called "antitheses"—or oppositions. The label creates an immediate problem, for it suggests Jesus is opposing, or saying the opposite of, what the Torah teaches. That is clearly not the case. An antithesis would be, "You have heard that it was said to those of ancient times, 'You shall not murder'; and 'whoever murders shall be liable to judgment'" (Matt 5:21)—"but I say to you, lock and load!" This incorrect understanding is part of the broader view that Jesus replaces the Old Testament law of vengeance with the New Testament gospel of grace. Jesus is not presenting antitheses, in the sense of rejecting Old Testament law in favor of New Testament grace and mercy. Such interpretations do violence to the Torah, to the Jewish tradition, and to Jesus's own message.

In providing instruction on how to interpret not only "an eye for an eye" but also such commandments as "you shall not murder," "you shall not commit adultery," and "you shall not swear falsely," Jesus is doing two things that Jews have always done: (1) interpreting the text—for the biblical text, as we discussed in Chapter 1, always needs interpretation; and (2) seeking to understand how the Torah functions in their own lives and the lives of their community.

The problems Jesus addresses here are not unique to Jews or Ju-

daism; they are universal: all peoples have had questions about how to respond to violence and to sexual impropriety, about personal honesty, and about dealing with enemies. All cultures have various norms—legal, cultural, familial, religious—that suggest or mandate responses. Yet these norms also require interpretation—they rarely are broad or clear enough to cover every circumstance. Nor do such norms remain static; they necessarily change when circumstances change. Jesus, like other Jews of his day as well as before and since, interprets the Torah. Indeed, for Matthew, Jesus is the preeminent interpreter, as he ascends a mountain like a new Moses.¹ His interpretation is not a replacement of one Torah by another: to the contrary (an antithesis!), he extends rather than abrogates the Torah. He makes the law more rigorous rather than less. Instead of jettisoning the Torah, he seeks to determine how best it might be understood and practiced.

Any sense that Jesus opposes the Torah is precluded by the opening of the Sermon on the Mount where Matthew front-loads both the importance and the permanence of the Torah. Immediately before introducing the "you have heard it said" formula, Jesus insists that he has not "come to abolish the law [Greek *nomos*; the underlying Hebrew would be *torah*, typically translated as *nomos* in the Septuagint] or the prophets [i.e., the *Nevi'im*]; I have come not to abolish but to fulfill" (Matt 5:17).

Contrary to some speculation, "fulfill" does not mean "take care of what needs to be done so that you do not have to" or more simply, "end."² Instead, Jesus proclaims that the Torah and the Prophets, and the practices they teach, will remain for at least the lifetime of anyone hearing his words: "For truly [the Greek here uses the Hebrew *amen*] I tell you, until heaven and earth pass away, not one letter, not one stroke [KJV: "one jot or one tittle"] of a letter, will pass from the law until all is accomplished" (Matt 5:18). "To fulfill" here means "to complete" in the sense of drawing out the full implications of the To-

rah and the Prophets. "Fulfill" is a Matthean theme, found mostly in relation to Jesus's "fulfilling" what was said by an earlier prophet. We will see this motif in Chapter 8, where we turn to Matthew 1:22, which, in introducing the Greek version of Isaiah 7:14 to explain Jesus's virginal conception, states, "All this took place to fulfill what had been spoken by the Lord through the prophet." According to Matthew, Jesus—not just by his teachings but also by his life—shows the complete meaning of Israel's scriptures.

Jesus also commands his disciples that they must follow his interpretation of the Torah: "Therefore, whoever breaks one of the least of these commandments, and teaches others to do the same, will be called least in the kingdom of heaven; but whoever does them and teaches them will be called great in the kingdom of heaven. For I tell you, unless your righteousness exceeds that of the scribes and Pharisees, you will never enter the kingdom of heaven" (Matt 5:19–20). Despite the popular view that Jesus cares primarily about what one believes, Matthew's Gospel focuses rather on how one acts, on what one does.

When Jesus sets Pharisaic behavior as the minimum, he is not setting a low bar. According to Josephus, Pharisees were popular teachers known for their mutual friendship (*War* 2.166), "conduct of reason," respect for their elders, and belief in free will and therefore that people choose whether or not to follow the path of virtue, as well as their view that people will be judged on their behavior (*Antiquities* 18.12–15). He compares them to the Stoics, a respected philosophical school (*Life* 12). Of direct relevance to the Sermon on the Mount, Josephus suggests that the Pharisees are popular because their traditions of Torah interpretation "alleviated the harsher prescriptions of the Bible in civil and criminal law" (*Antiquities* 13.294).³ How ironic: Jesus promotes practices that have harsher prescriptions than the Pharisees mandate. Once we realize that Jesus is not abrogating the

Torah or substituting some other code for it, we are in a better position to understand the antitheses or, better, the extensions.

Matthew offers in 5:21–47 six statements that begin with some variant of the formula, "you have heard it said. . . . But I say to you." In a few manuscripts, the first and fourth begin with the longer formula, "You have heard that it was said by people of old." Most quote biblical commandments, and a few paraphrase them. Despite the setting on a mountain and so the evocation of Moses, Jesus is not reading from a text, and Matthew does not imagine Jesus teaching in a schoolhouse, with disciples arguing over words on a scroll. In fact, no source in antiquity presents Pharisees as arguing over a text; that is the role of the later rabbis. The setting for Jesus is one of oral tradition and so of popular belief. Jesus need not quote the Torah word-for-word in order to convey, generally speaking, the text under discussion. The import is in how the teaching is to be interpreted, not the exact words.

Matthew sets a scene of popular expositions, but the evangelist is actually writing with a lovely rhetorical balance: the first three antitheses contain 1,131 letters; the second three, 1,130 letters.⁴ The subjects are, in order: (1) murder and by extension anger, (2) adultery and by extension lust, (3) divorce and by extension the breaking of the family, (4) oath-taking (swearing) and by extension personal honesty, (5) proportional justice and by extension retribution, and (6) loving the neighbor and by extension loving the enemy. The first (murder), second (adultery), and fourth (swearing) allude to the "Decalogue" or "Ten Commandments," with swearing relating to the commandment forbidding taking the divine name in vain (Exod 20:7). In number 5, we find Jesus's application of the famous "eye for an eye." The meaning of Jesus's exposition of this law becomes clear only within the unit as a whole.

for in his own image
 God made humankind.

BUT I SAY TO YOU . . .

On Murder

THE FIRST extension begins, "You have heard that it was said to those of ancient times" (Matt 5:21). The allusion is to God's revelation to Moses on Mount Sinai. Next, in the same verse, comes the commandment itself, "You shall not murder"; and 'whoever murders shall be liable to judgment.'" "You shall not murder" is a citation of Exodus 20:13 and Deuteronomy 5:17, part of the Decalogue. Since the Hebrew root *r-tz-ch* refers to intentional killing or what we today would call murder, the well-known King James translation, "thou shalt not kill," is overly broad. The Bible contains laws that mandate capital punishment and allows, even in some cases mandates, killing in war.

The second clause, "whoever murders shall be liable to judgment," is not a quotation but a paraphrase. Apodictic laws, laws that take the form "you shall (not) . . .," require a practical result: If I do this wrong thing, what are the consequences? "Liable to judgment," a vague but ominous threat, likely refers to the well-known biblical view found in Genesis 9:6, that murder is a capital offense:

Whoever sheds the blood of a human,
 by a human shall that person's blood be shed;

Although God tells Noah that murder should be punished by death, only five chapters earlier, in Genesis 4, God protected rather than executed Cain, who killed his brother Abel. Similarly, although Moses committed murder (Exod 2:12), he is not executed. As with the present-day legal system, what the law mandates is not necessarily what is carried out in practice.

"Those of ancient times" as well as Jesus's audience would have known the Decalogue along with other passages that unambiguously find intentional homicide to be a capital offense (see especially Num 35:16–18). Jesus the interpreter then asks: Is premeditated murder the only serious offense that the commandment means to cover?

He then offers the extension: "But I say to you that if you are angry with a brother or sister [i.e., any community member], you will be liable to judgment; and if you insult a brother or sister, you will be liable to the council [Greek *sanhedrin*, here meaning the local court; the same usage appears in Matt 10:17]; and if you say, 'You fool,' you will be liable to the hell of fire" (Matt 5:22). These threats may be rhetorical flourish. The communities gathered in Jesus's name had nondeadly procedures for disciplining recalcitrant members; Matthew 18:15–17 prescribes a formal process for reprimand followed, if necessary, by a removal from the fellowship.

Should an earthly court fail to provide appropriate punishment, Jesus assures that the heavenly judge will: hence the reference to "hell" (Greek *gehenna*) in Matthew 5:22.⁵ The Talmud offers a similar saying. Rabbi Yehoshua ben Levi proposes that a disciple could be excommunicated for insulting his teacher: "One who speaks disparagingly after the biers of Torah scholars and maligns them after their death will fall into Gehenna, as it is stated, 'But those who turn aside

unto their crooked ways, the Lord will lead them away with the workers of iniquity; peace be upon Israel' [Ps 125:5]" (b. Berakhot 19a).⁶

Jesus's extension, meant to convey the seriousness of angry words, does what rabbinic Judaism calls "building a fence about the Torah." The expression comes from the Mishnah. Avot 1:1 reads: "Moses received Torah at Sinai, and handed it on to Joshua, Joshua to the elders, and the elders to the prophets. And prophets handed it on to the men of the Great Assembly. They said three things: Be prudent in judgment, raise up many disciples, make a fence for the Torah." As a fence about a house protects what is inside, so the fence about the Torah protects the commandments by creating the circumstances that make violation more difficult. If one is not angry, one is less likely to commit murder. Some scribes, recognizing that anger is sometimes justified—what we would call "righteous anger"—added to Greek manuscripts of Matthew the exception, "without cause."

On Adultery

FOLLOWING a few examples concerning reconciling with enemies, Jesus moves to the second intensification. Again, the formula alludes to the Torah, "You have heard that it was said . . .," which is followed by a direct quotation, "You shall not commit adultery" (Matt 5:27). The citation is to Exodus 20:14 and Deuteronomy 5:18; Leviticus 20:10 provides the penalty: "If a man commits adultery with the wife of his neighbor, both the adulterer and the adulteress shall be put to death."

Adultery in this context—in Israelite society men could have more than one wife, but women could have only one husband—means sexual relations between a married or betrothed woman and a man other than her husband or betrothed. Whether Jews in the early or even in the Second Temple period were actually executing people

guilty of adultery remains an open question. The scriptures of Israel contain no examples of such execution, although adultery shows up on occasion. David and Bathsheba are the most notable example (2 Sam 11), and neither is executed. However, their son conceived from their adulterous relationship dies (2 Sam 12), so a vicarious capital punishment is carried out by God. Hosea (1:2–9) is married to an adulterous wife, but the relationship prompts reconciliation, not death. Indeed, the prophetic metaphor of Israel as an adulterous spouse does not lead to the death of all Israel, but to shame, repentance, and ultimately reconciliation with God. The story of Susanna, an appendix to the book of Daniel found in the deuterocanonical literature (Protestant Apocrypha), and one of the world's first detective stories, depicts a woman facing execution on the false charge of adultery. She is rescued when Daniel proves that the elders who accused her of improper sexual relations were lying. This fictional account was designed to show Daniel's wisdom, not historical judicial procedure.

The more famous story in John 8 of the "woman taken in adultery" also does not presume an execution. This narrative, which begins to appear in New Testament manuscripts only from the fourth century,⁸ depicts no court case, and procedures that do appear are incomplete. For example, the story lacks any reference to, let alone appearance of, the man with whom the accused was said to have committed adultery. A woman cannot commit adultery on her own. Eyewitness testimony is absent; rather, "the scribes and the Pharisees" assert, "this woman was caught in the very act of committing adultery" (John 8:3–4). Further undermining the notion that the scene depicts a trial, the setting is not a court but the Jerusalem Temple.

John's story does not presume that people are executed for adultery. To the contrary, Jesus's opponents are trying to trap him by asking him what should be done with this guilty woman: If he says

“execute her,” they will accuse him of barbarism or of failing to follow court procedure. If he says “release her,” they will condemn him for allowing a transgression of the Torah without warrant. Jesus refuses to play this game. Instead, he traps his opponents by asking them not about the woman’s punishment but about their qualifications for implementing it: “Let anyone among you who is without sin be the first to throw a stone at her” (John 8:7). The opponents, self-condemned, leave. They drop no stones; they were not carrying any.

Confirming the lack of capital punishment for adultery at the time of Jesus is Matthew’s nativity story. When Joseph learns that his betrothed, Mary, is pregnant, he decides to divorce her quietly (Matt 1:19). Mary is not in danger of stoning, and Matthew makes no mention of any public shaming.

Rabbinic Judaism goes out of its way to make execution, for any reason, impossible. The Talmud devotes to adultery an entire tractate, called “Sotah” in reference to the “test of bitter waters” given to a wife whose husband suspects her of infidelity (Num 5:11–31). The rabbis insist not only that the adulterous act be observed by two witnesses (most adultery, as far as we are aware, is not done in public) but also that the couple be warned in advance that their actions could lead to fatal consequences. Rather than execution, adultery according to rabbinic Judaism could have led to divorce without any monetary compensation to the wife, to public shaming, and to the social detriment of children produced from an adulterous relationship.

It is possible that Jewish courts did carry out the death penalty during the rabbinic period, and the Christian writer Origen suggests that they had such authority (*Letter to Africanus* 20.14). The most we can conclude is that if, at the time of either Jesus or Matthew, adultery was punished by death, the punishment was exceptionally rare.⁹ In effect, the rabbis build a fence around the death penalty; they insist on just legal procedures, and then they make the procedures in

this case so rigorous that executing the guilty party becomes almost impossible. For example, while Deuteronomy 21:18–21 required that a rebellious son be stoned, the Mishnah (Sanhedrin 8) makes the rules so stringent for stoning that son that it is virtually impossible to fulfill them. Another Mishnah (Makkot 1:10) notes how rare capital punishment was: “A sanhedrin which imposes the death penalty once in seven years is called murderous. R. Eleazar b. Azariah says, ‘Once in seventy years.’ R. Tarfon and R. Aqiba say, ‘If we were on a sanhedrin, no one would ever be put to death.’”¹⁰

Jesus finds adultery to be a serious problem, and so he addresses its causes. He builds the fence by equating (male) lust with adultery and therefore prohibiting it: “But I say to you that everyone who looks at a woman with lust has already committed adultery with her in his heart” (Matt 5:28). The Greek term for “lust” or “desire” (*epithymēō*) appears elsewhere in the Septuagint’s rendition of the Ten Commandments: in forbidding the coveting of the neighbor’s house and of his wife (Exod 20:17; Deut 5:21). Jesus then goes further in fence building with the hyperbolic command: “If your right eye causes you to sin, tear it out and throw it away; it is better for you to lose one of your members than for your whole body to be thrown into hell” (Matt 5:29). This verse alerts us that commandments in the form of cause and effect, including this one, may be cautionary laws, more along the lines of parental threats than judicial responses. It also likely put a damper on any lustful feelings that community members might have had.

On Divorce

FOLLOWING discussion of adultery, Matthew addresses a related concern, divorce. The third extension presumes the full formula “you have heard it said” by beginning, “It was also said, ‘Whoever di-

divorces his wife, let him give her a certificate of divorce" (Matt 5:31). The citation alludes to Deuteronomy 24:1: "Suppose a man enters into marriage with a woman, but she does not please him because he finds something objectionable [Hebrew *'ervat davar*, a matter of indecency] about her, and so he writes her a certificate of divorce, puts it in her hand, and sends her out of his house." The Hebrew *'ervat davar* is vague, as is the English equivalent, "matter of indecency." The term *'ervah* (a form of *'ervat*) almost always refers to sexual impropriety, although the same phrase, *'ervat davar*, appears in Deuteronomy 23:14 [23:15 Heb.] in the nonsexual sense of digging trenches for latrines. The term thus concerns something unpleasant, even disgusting. The divorce law in Deuteronomy 24 adds that if the divorced wife were to marry someone else who then divorced her or died, the first husband is forbidden from remarrying her.

Jesus extends the prohibition against remarrying the first wife by forbidding divorce and remarriage entirely: "But I say to you that anyone who divorces his wife, except on the ground of unchastity [Greek *logou porneias*; the expression is vague, as is the Hebrew in Deut 24:1], causes her to commit adultery; and whoever marries a divorced woman commits adultery" (Matt 5:32; cf. 19:1–12). This "matter of *porneia*," whence the English term "pornography," could refer to an incestuous relationship, an illegal one (e.g., the wife was still married to someone else), one that continues following the adulterous relationship, or one in which behavior suggests lewdness. As with the Hebrew, the Greek becomes the subject for later legal minds.

In the earlier Marcan (10:2–12) as well as Lucan (16:18) versions of this extension, no *porneia* exception appears, although Mark includes the possibility that a woman might want to divorce her husband (Mark 10:12), a possibility available to some Jewish women in the first century.¹¹ Paul alludes to this possibility for his gentile con-

gregants in Corinth: "To the married I give this command—not I but the Lord—that the wife should not separate from her husband (but if she does separate, let her remain unmarried or else be reconciled to her husband), and that the husband should not divorce his wife" (1 Cor 7:10–11).

Jesus's prohibiting divorce makes him more conservative than the Dead Sea Scrolls. Speaking specifically of the king, the Temple Scroll (11QT^a 57:17–19) reads: "And he may not take any other woman in addition to her, but she alone shall be with him all the days of his life. And if she dies, he shall take for himself another from his father's house, from his clan."¹² It also moves Jesus very far to the right of the later rabbis, for whom divorce was a legal possibility. The rabbis did not debate the legality of divorce; rather, they debated the appropriate grounds:

The House of Shammai says, "A man should divorce his wife only because he has found grounds for it in unchastity, since it is said, *Because he has found in her indecency in anything* [i.e., something objectionable] (Deut. 24.1)." And the House of Hillel says, "Even if she spoiled his dish, since it is said, *Because he has found in her indecency in anything* [i.e., something objectionable]." R. Aqiba says, "Even if he found someone else prettier than she, since it is said, *And it shall be if she find no favor in his eyes* (Deut. 24.1)." (m. Git. 9.10; cf. Sifre Deut. 269; y. Sota 1:2, 16b; spelling altered for clarity)

The House of Shammai takes the Hebrew *'ervat davar* to refer to adultery (thereby indicating that no one is being stoned for adultery) and makes divorce permissible only on that ground. Conversely, the House of Hillel allows men to divorce their wives for any offense, following a broader understanding of *'ervat davar*. But the House of Hillel still would have demanded that the husband compensate his wife accord-

ing to the *ketubah*, the marriage contract, so she would not have been thrown out, penniless. Claims that the Hillelite version was designed to protect divorced women from charges of adultery (i.e., if she can be divorced for any reason, there is no reason to suggest that she sinned) are modern apologetics for a reading that today sounds harsh.

Contrary to some popular teaching, Jesus's forbidding divorce is not designed to protect women from husbands who issue arbitrary divorce decrees, a point that should be obvious from Mark's forbidding a wife from divorcing her husband (Mark 10:12). Jesus grounds his teaching not in social reform, but in Genesis. He first explains that although Deuteronomy permits divorce, it does so as a concession: "Because of your hardness of heart he wrote this commandment [regarding divorce] for you" (Mark 10:5). He then, in good Jewish fashion, puts Deuteronomy into dialogue with Genesis and concludes that Genesis, the earlier reading, offers the better model: "But from the beginning of creation, 'God made them male and female.' 'For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh.' So they are no longer two, but one flesh" (Mark 10:6-8). Being taken from the man's body, the woman returns to the man and so completes him (see Chapter 4). Extrapolating from the garden of Eden story, Jesus concludes that any relationship between a husband and a wife is both divinely sanctioned and therefore permanent: "Therefore, what God has joined together, let no one separate" (Mark 10:9).

However, for Jesus, the permanent marital bond does not require husbands and wives to live together. His movement consists of some followers without spousal accompaniment. In Luke 14:26, Jesus advises followers to "hate" family members, including "wife and children" (the injunction presumes that all followers are male), and in Luke 18:29-30, he states, "Truly I tell you, there is no one who has left house or wife or brothers or parents or children, for the sake of

the kingdom of God, who will not get back very much more in this age, and in the age to come eternal life." In Jesus's mission, there is no divorce, but there is also no procreation, for creating heirs to inherit property, nor cohabitation. This is because the end of time as we know it is soon approaching.

In anthropological language, there is for Jesus no "pair bonding," for loyalty and love are to be focused on Jesus and then equally distributed among members of the community gathered in his name. The love is spiritual, not carnal. Judaism, which had strains of celibacy in the first century,¹³ would go on to reject both apocalyptic thinking and celibacy. But for the Second Temple period, Josephus (*Antiquities* 18.21; *War* 2.120-21) and Philo (*Hypothetica* 11) both describe celibate Essenes. Philo also describes the Therapeutae and Therapeutrides, a utopian community of celibate Jewish men and women (*On the Contemplative Life* 8.68-90).

Jesus's comments forbidding divorce do not fit within other streams of early Judaism, although Matthew's *porneia* clause looks like the teaching of the House of Shammai, who found adultery the only viable reason to end a marriage. His teaching on celibacy, which reappears in Paul (1 Cor 7:7) and Revelation (14:4), became as time went on a distinguishing marker between Christians, who promoted virginity and continence, and the rabbinic tradition, which promoted marriage, marital relations, and children.

On Oath-Taking

THE FOURTH extension concerns oath-taking. Jesus begins, "Again, you have heard that it was said to those of ancient times, 'You shall not swear falsely, but carry out the vows you have made to the Lord'" (Matt 5:33). There is no exact correspondence in the Torah for this wording, in part because the statement concerns two

separate issues: false swearing and (positive) vowing. False swearing is insisting on the truth of one's words, even if they are false. Vowing here means making a promise to God. For example, one might take a Nazirite vow to live a life of particular holiness and purity (see Num 6). We see Paul under such a vow in Acts 18:18 and redeeming people at the completion of their Nazirite term in Acts 21:23–26.

The scriptures of Israel advise against vowing. Deuteronomy 23:22 states, "But if you refrain from vowing, you will not incur guilt"; since the vow may not be fulfilled, Deuteronomy suggests avoiding the risk. Ecclesiastes 5:4–5 makes a similar point: since God "has no pleasure in fools," quickly fulfill the vow you take, although "it is better that you should not vow than that you should vow and not fulfill it." While the Torah permits oath-taking, Jesus forbids it: "But I say to you, Do not swear at all, either by heaven, for it is the throne of God, or by the earth, for it is his footstool, or by Jerusalem, for it is the city of the great King" (Matt 5:34–35). Matthew 23:22 picks up the same point, "whoever swears by heaven, swears by the throne of God and by the one who is seated upon it." All such oaths take the name of God in vain; "heaven," "earth," and "Jerusalem" are circumlocutions for God's name, which was at the time considered too holy to pronounce.¹⁴ Underlying Jesus's statement is the Torah's concern for misusing the divine name. Exodus 20:7 reads, "You shall not make wrongful use of the name of the LORD your God, for the LORD will not acquit anyone who misuses his name," translated less accurately in the King James Version, "Thou shalt not take the name of the LORD thy God in vain" (Deut 5:11; see also Lev 19:12, "And you shall not swear falsely by my name, profaning the name of your God: I am the LORD" [NRSV]).

Although Christian scholars occasionally suggest that Jesus was resisting Jewish views of oath-taking, which had devolved into "such casuistry, of which the Mishnah provides numerous examples,"¹⁵ the

claim overstates. The Mishnah is speaking of legal liability; we might think of taking the oath for an office in the US government or in a law court or the signing of a business contract. The words one says are formal and binding, and the oath, or the signature to the contract, shows the seriousness of the issue. Furthermore, rather than engaging in "casuistry," Rabbi Meir, like Jesus, notes that it is best not to vow at all, an opinion that other rabbis endorse (b. Nedarim 22a, 77b).

Jesus continues, "And do not swear by your head, for you cannot make one hair white or black" (Matt 5:36): since one cannot change what occurs naturally, the oath is useless. He concludes in the next verse, "Let your word be 'Yes, Yes' or 'No, No'; anything more than this comes from the evil one." The "evil one" is a euphemism for "Satan"; in marvelous irony, this is the same type of euphemism that he condemns in speaking of God by terms such as "heaven" or "Jerusalem."

From forbidding false witness, Jesus mandates honesty at all times. From forbidding oath-taking to ensure that one will carry through a promise, Jesus insists that the promises—even if not accompanied by oaths in God's name—be kept. The point of both extensions is that there is no need for oath-taking or vowing when honesty is the norm.

On Loving Your Neighbor

WE SKIP Jesus's comments on "an eye for an eye" to turn to the final, sixth extension, Matthew 5:43–48. Jesus begins, "You have heard that it was said, 'You shall love your neighbor.'" The citation is a direct quotation of most of the second half of Leviticus 19:18, "You shall not take vengeance or bear a grudge against any of your people, but you shall love your neighbor as yourself; I am the LORD."

The omission of "as yourself" may be designed to create a better rhetorical parallel to what follows concerning enemies.

The Levitical concern regarding bearing a grudge has the same fence-building protection as Jesus's earlier comment, "if you are angry with a brother or sister, you will be liable to judgment" (Matt 5:22). In Leviticus, "neighbor" means a fellow Israelite or Jew, a point made clear by the following injunction in Leviticus 19:34, "The alien who resides with you shall be to you as the citizen among you; you shall love the alien as yourself, for you were aliens in the land of Egypt." The Torah distinguishes between Israelites and strangers (we might think of the distinction between a citizen and a resident alien), but Leviticus insists that both must be loved.

Jesus then follows "You have heard . . . you shall love your neighbor" with "and hate your enemy" (Matt 5:43). The concern for hating the enemy does not appear in the Torah, although it is found in the Dead Sea Scrolls. For example, the Community Rule (1QS 1:3-4) advises, "He is to teach them to love everything (or everyone) He chose and to hate everything (or everyone) He rejected."¹⁶

Typically cited in terms of "Old Testament" hatred of enemies is the last verse of Psalm 137, perhaps known better for its opening line, "By the rivers of Babylon— / there we sat down and we wept." Psalm 137:9, concerning the Edomites who participated in the Babylonians' destruction of Jerusalem, reads, "Happy shall they be who take your little ones / and dash them against the rock!" The rock (Hebrew *hasala'*) is another name for a city in Edom (2 Kgs 14:7), perhaps where Petra (from the Greek word for "rock") in present-day Jordan was built; the sense of retribution, not uncommon in the Psalms, is a brutally honest emotion. The psalmist is not encouraging the people to kill infants; the retribution, as with Exodus 23:22, belongs to God. For the scriptures of Israel, as God states, "Vengeance is mine" (Deut 32:35), a point echoed by Paul (Rom 12:19) and the author of

Hebrews (10:30). We see this concern for divine justice elsewhere, for example, Exodus 23:22, "But if you listen attentively to his [i.e., the angel of the LORD's] voice and do all that I say, then I will be an enemy to your enemies and a foe to your foes."

Conversely, the scriptures of Israel do have laws to prevent abuse of enemies. For example, Proverbs 24:17 eliminates *schadenfreude*: "Do not rejoice when your enemies fall, / and do not let your heart be glad when they stumble." The rationale is not to avoid adding insult to injury, but lest "the LORD will see it and be displeased, / and turn away his anger from them" (Prov 24:18). A similar backhanded mandate appears in Proverbs 25:21: "If your enemies are hungry, give them bread to eat; / and if they are thirsty, give them water to drink." The rationale is not to turn enemies into friends but to frustrate them, "for you will heap coals of fire on their heads, / and the LORD will reward you" (Prov 25:22; Paul quotes this couplet in Rom 12:20). The Torah commands that you must help your enemy's ox or donkey: "When you come upon your enemy's ox or donkey going astray, you shall bring it back" (Exod 23:4). Even more positive regarding enemies is Jeremiah's address to the exiled Judeans in Babylon, "But seek the welfare of the city where I have sent you into exile, and pray to the LORD on its behalf, for in its welfare you will find your welfare" (Jer 29:7).

Jesus extends the scriptural injunctions that one must not abuse an enemy and even pray for the welfare of the conquering empire. Not only does he reject the idea of hating enemies, he insists, "Love your enemies and pray for those who persecute you" (Matt 5:44). The rationale is consistent with the theological view that people should act as God acts "so that you may be children of your Father in heaven" who is concerned about the righteous and the unrighteous alike (Matt 5:45). To be children of the Father means acting as that Father would act. We find a similar teaching in rabbinic literature:

“Just as He is compassionate and merciful, so too should you be compassionate and merciful” (b. Shabbat 133b).

The section concludes with the demand, “Be perfect, therefore, as your heavenly Father is perfect” (Matt 5:48). The Greek term for “perfect,” *teleios*, does not mean here “never to have sinned” or “made a mistake.” Sirach 44:17 states that “Noah was found perfect [*teleios*] and righteous,” without implying that Noah was without sin. The Hebrew term *tamim*, sometimes translated “blameless” (e.g., the NRSV to Gen 17:1, in which God tells Abraham, “walk before me, and be blameless”), captures a similar sense.¹⁷ Thus, “perfect” in Matthew 5:48 suggests acting in complete accord with divine will, as Jesus understands it.

The extensions show how the Torah is to be followed by building fences about the law and so extending it: from forbidding murder to forbidding anger; from forbidding adultery to forbidding lust; from forbidding false or violated oaths to forbidding oath-taking; from permission to divorce to forbidding it; from not abusing the enemy and praying for the enemy to loving the enemy. Our final example follows the same format—but in this case with something other than an extension.

ON AN EYE FOR AN EYE

THE OTHER examples are prophylactic: to avoid murder, avoid anger; to avoid adultery, avoid lust; and so on. With “an eye for an eye,” the issue is justice *after* a crime has been committed or an accident has occurred. In Matthew 5:38, Jesus states, “You have heard that it was said, ‘An eye for an eye and a tooth for a tooth.’” These words appear three places in the Torah: Exodus 21:23–25, Leviticus 24:19–20, and Deuteronomy 19:21. Each passage spells out, in different ways, compensation for damage to any body part. And many readers invoke this law as indicating the Old Testament’s barbarity. The issue is not barbarism but justice in the case of physical injury; the irony is that the Torah is speaking not of actual practice but of legal principle.

The principle was known in Roman law as *lex talionis*, “the law of equals,” or more simply as *talio* or *talion*.¹⁸ It appears in the classic Roman law code *The Twelve Tables*, table 7, law 2, which stipulates, “If a man broke another’s limb, the victim could inflict the same injury upon the wrongdoer [*talio*], but only if no settlement was agreed upon.”¹⁹ Jews and gentiles both would have known the law of talion, whether from the Torah or *The Twelve Tables*.

Were Jesus to have extended the law, in line with what we have seen in the surrounding units, he would have demanded greater loss: “You have heard it said, ‘an eye for an eye,’ but I say to you, ‘a head for

an eye.” Nor does he say either, “You lost your eye; don’t worry about it,” or, “You lost your eye; give to the perpetrator the other.” The first approach, demanding more bodily harm, would truly be barbaric; the second approach, ignoring the injury, would be ridiculous.

Rather than countering or extending the law of talion, Jesus changes the subject. The talion speaks of physical mutilation; Jesus speaks about public humiliation: “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” (Matt 5:39–41). There is a major difference between losing an eye and getting slapped on the cheek. The three examples Jesus gives, regarding the slap, the suit, and the subjugation, together reveal their import: do not escalate violence; do not give up your agency; shame your attacker and retain your honor. As with the other injunctions in this section, his concern is correct community relations, rejection of violence, honesty to others, and acting mercifully and justly as God would.

These expressions—turn the other cheek, give the coat off your back, go the extra mile—have become so commonplace in the English language that it is difficult to appreciate their original import. “Turn the other cheek” asks more than “ignore the problem”; giving the coat is not about “being generous”; “go the extra mile” demands much more than “make an extra effort.” When heard in their first-century context, the three injunctions all serve to prevent the escalation of conflict, which is exactly what the original “eye for an eye” legislation does.

To be struck on the right cheek presumes, if the striker is right-handed, a backhanded slap (you might practice this, carefully, by pretending to slap the right cheek of a brave friend). It is the slap that would be given by a master to a slave, or a soldier to a peasant. A back-

handed slap is designed to humiliate, not to injure; it does not do the serious damage a right jab does. The motif appears in Lamentations 3:30, which speaks of giving “one’s cheek to the smiter, / and be filled with insults” (the Hebrew for “insults,” *cherpah*, connotes reproach, disgrace, scorn, and shame), and in 2 Corinthians 11:20, where Paul speaks about the humiliation of being slapped in the face.²⁰

When slapped, the victim has a few options, none of them good. Hitting back escalates the violence, which in situations of social inequality can have deadly consequences. But cowering does not help either; it functions only as short-term self-protection, and it opens the possibility for continued or more extreme violent acts on the part of the perpetrator.

Jesus offers what the biblical scholar Walter Wink called the “third way”: rather than escalate violence, and rather than accept the loss of personal dignity, confront the violence.²¹ Matthew 5:39 reads, “Do not resist an evildoer. But if anyone strikes you on the right cheek, turn the other also.” The situation of humiliation—being slapped, being stripped naked, carrying gear—becomes instead an opportunity of expressing agency. Warren Carter points out that the term translated “resist” (Greek *anthistēmi*) can refer to “armed resistance in military encounters” or “violent struggles.”²² Therefore, the verse concerns the *type* of resistance practiced. By offering the left cheek, the victim resists humiliation by displaying agency and courage. Further, offering the left cheek invites the right jab, the punch of greater violence. It reveals to the perpetrator that a slap is itself a violent act; it shows that a slap of dismissal does not decrease the humanity of the victim.

From physical violence, Jesus turns to judicial violence. The setting is the court: someone “wants to sue you and take your coat.” Behind this concern is Exodus 22:26–27: “If you take your neighbor’s cloak in pawn, you shall restore it before the sun goes down; for it

may be your neighbor's only clothing to use as cover; in what else shall that person sleep? And if your neighbor cries out to me, I will listen, for I am compassionate." Again, the victim has few options, none good. One option is to accept the verdict and freeze that night. Another would be to avoid the court, but that could result in arrest and an even worse situation. The third way, to "give your cloak as well," means to strip off one's other garment in the court and so to lay bare, literally, the injustice of the situation. In this setting, it is the one suing who is shamed.

Finally, the issue of the extra mile concerns military violence, a system of compulsion, or as the NRSV reads, "forces you to go." We see such conscription in Matthew 27:32 and Mark 15:21, where Roman soldiers "compel" (the same Greek term, *aggareuō*) Simon of Cyrene to carry Jesus's crossbeam. To refuse is to risk a beating. To comply is to be humiliated and more, to be turned into a pack animal. The third way is to accept the inevitable, to carry the baggage. Yet at the end of the mile, the victim adds, "I'll go the second." In other words: You sought to treat me as less than human. I refuse to allow you to do this—I will use my own agency to carry it farther.

Matthew ends this section with a potentially impractical injunction, "Give to everyone who begs from you, and do not refuse anyone who wants to borrow from you" (Matt 5:42). The verse could be an intensification of Deuteronomy 15:9, which concerns withholding funds in anticipation of the sabbatical year, when debts are to be forgiven: "Be careful that you do not entertain a mean thought, thinking, 'The seventh year, the year of remission, is near,' and therefore view your needy neighbor with hostility and give nothing; your neighbor might cry to the LORD against you, and you would incur guilt."²³ It is also possible that Jesus is extending the Torah's command in the previous verse to "open your hand, willingly lending enough to meet the need, whatever it may be" (Deut 15:8); the rationale: "Since there will

never cease to be some in need on the earth, I therefore command you, 'Open your hand to the poor and needy neighbor in your land'" (Deut 15:11). Or again, he could be using hyperbole, as he elsewhere does in stressing wholehearted commitment to ethical behavior.

More than giving charitably, the Torah's mandate, Jesus demands giving without restraint. The verse matches the call to the man who, although Torah faithful, was still attached to worldly wealth: "Sell all that you own and distribute the money to the poor, and you will have treasure in heaven; then come, follow me" (Luke 18:22; cf. Matt 19:21; Mark 10:21). Such a command works in cases where disciples have no familial responsibilities. The Mishnah states that "the things for which no measure is prescribed" (m. Peah 1:1) include generosity regarding leaving the corners of the field unharvested so that the poor can glean (cf. Lev 19:9; 23:22), offerings such as first fruits, deeds of loving kindness, and the study of the Torah. The Yerushalmi (the Jerusalem Talmud) insists that charity without limit "concerns actions done with one's body (such as visiting the sick or burying the dead)."²⁴ But total divestment is not permitted, for the Mishnah presupposes its readers have families to support.

With five extensions and one change of subject, the Sermon on the Mount confirms Jesus's initial assertion in Matthew 5:17: "Do not think that I have come to abolish the law or the prophets; I have come not to abolish but to fulfill." No Torah practice is abrogated; instead, Jesus reinforces several. It's time the term "antitheses" for these passages be replaced. Once that is done, we can turn to see how the talion in the Torah initially functioned.

THE HEBREW BIBLE'S CONTEXT

WE COULD take literally the injunction "an eye for an eye," in the same way that we understand laws such as, "motorists who are caught speeding in school or construction zones face a fine of \$250." However, biblical laws are distinguished from modern law codes in several ways.

First, the Torah is not a law code in the sense of a comprehensive set of laws intended for use by the court, and in a number of cases, such as the Decalogue, it is unclear how or by whom they were enforced. Second, it contains several collections of laws²⁵ that reflect different periods, authors, and audiences. Biblical scholars call the earliest collection, Exodus 20:22–23:33, the Covenant Collection (see Exod 24:7, "the book of the covenant"). It was compiled in Judah during the preexilic period and it was influenced by the eighteenth-century BCE Laws of Hammurabi, king of Babylon. Also during the preexilic period, the authors of the Deuteronomic Law Collection (Deut 12–26) modified and supplemented the Covenant Collection. The Torah's latest law collection is Leviticus 17–26, the Holiness Collection, so named after its injunction "You shall be holy, for I the LORD your God am holy" (Lev 19:2). Although it has roots in the preexilic period and is related to the Priestly (P) source, its current form is postexilic. Other laws, such as the law of circumcision on the eighth day (Gen 17), are interspersed in the Torah's narratives.

Because the Torah contains these collections and other laws, it is best to speak of biblical laws rather than "the law." It is also helpful to see how they often either contradict each other or contain significant differences. For example, the Covenant Collection and the Deuteronomic Law Collection allow Israelites to be slaves, in normal circumstances, for up to six years (Exod 21:2–6; Deut 15:12–18), while Leviticus 25:39–40 legislates, "If any who are dependent on you become so impoverished that they sell themselves to you, you shall not make them serve as slaves. They shall remain with you as hired or bound laborers. They shall serve with you until the year of the jubilee" instead of at the beginning of the seventh year. Thus, Leviticus abolishes slavery; those who are impoverished have a higher status, like "hired or bound laborers." Deuteronomy 15:13–14 insists that the slave released at the seventh year must not be sent "out empty-handed," but instead the former master must "provide [him] liberally out of your flock, your threshing floor, and your wine press"—legislation lacking in the Covenant Collection.

Several laws are theoretical or ideal; they reflect societal aspirations rather than legal norms.²⁶ It is unlikely, for example, that Leviticus 25:8–12, which suggests that every fifty years "shall be a jubilee for you: you shall not sow, or reap the aftergrowth, or harvest the unpruned vines . . . you shall eat only what the field itself produces" (vv. 11–12), was ever followed, since that would have meant avoiding agricultural pursuits for two consecutive years—during the sabbatical year (once every seventh year) and the following jubilee year. Indeed, "there is no evidence at all that the jubilee was ever observed."²⁷ A comparable, earlier example of theoretical legislation is law 218 in the Laws of Hammurabi: "If a physician performs major surgery with a bronze lancet upon an *awilu* [a free upper-class person] and thus causes the *awilu*'s death, or opens an *awilu*'s temple with a bronze lancet and thus blinds the *awilu*'s eye, they shall cut

off his hand."²⁸ This could not have been a real law—no one would opt to be a physician in such a society. There are, however, no clear criteria for distinguishing between real and ideal laws in the absence of more evidence.

With these considerations in mind, it is now possible to approach the "eye for an eye" formulation to see how it is more humane and sensible than its detractors realize. First, the comparison of the Torah's talion with antecedent texts reveals a change in the formulation. The same concern, albeit with variants, appears in the Laws of Hammurabi:²⁹

§196 If an *awilu* should blind the eye of another *awilu*, they shall blind his eye.

§197 If he should break the bone of another *awilu*, they shall break his bone.

§198 If he should blind the eye of a commoner or break the bone of a commoner, he shall weigh and deliver 60 shekels of silver.³⁰

§199 If he should blind the eye of an *awilu's* slave or break the bone of an *awilu's* slave, he shall weigh and deliver one-half of his value (in silver).

§200 If an *awilu* should knock out the tooth of another *awilu* of his own rank, they shall knock out his tooth.

§201 If he should knock out the tooth of a commoner, he shall weigh and deliver 20 shekels of silver.³¹

These punishments discriminate among upper-class individuals, commoners, and slaves; commoners are compensated in silver while the talion applies to bodily harm from one *awilu* to another. The Bible has no such gradations.³² Equal treatment before the law is explicit in Deuteronomy 1:17: "You must not be partial in judging: hear out the small and the great alike." This abolition of social classes, this

equal treatment of people from different classes, perhaps based in the biblical notion that all are created in God's image (so Gen 1),³³ is a parade example of how the Bible improves upon the legal system it inherited.

Second, the Torah's talion contrasts with Genesis 4:24, where the antediluvian figure Lamech insists, "If Cain is avenged sevenfold, / truly Lamech seventy-sevenfold." Therefore, the principle of "an eye for an eye and a tooth for a tooth" represents "a decisive effort to set limits on vengeance: only *one* eye for an eye, only *one* tooth for a tooth."³⁴

We can see the idea of talion as a principle in that the listings of body parts are meant to be representative rather than comprehensive. The earliest talion list is Exodus 21:22–25:

When people who are fighting injure a pregnant woman so that there is a miscarriage [better, "so that she gives birth prematurely"; literally, "so that her child goes out"³⁵], and yet no further harm follows, the one responsible shall be fined what the woman's husband demands, paying as much as the judges determine. 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.³⁶

The same formula appears in Leviticus 24:17–20, where it is appended to the episode describing the stoning of a man for blasphemy: "Anyone who kills³⁷ a human being shall be put to death. (Anyone who kills an animal shall make restitution for it, life for life.)³⁸ Anyone who maims another shall suffer the same injury in return: fracture for fracture, eye for eye, tooth for tooth; the injury inflicted is the injury to be suffered." The final time it appears is in Deuteronomy 19:21, immediately following the laws of a false witness: "Show no pity: life for life, eye for eye, tooth for tooth, hand for hand, foot for

foot." Exodus gives the longest version, beginning with "life" and then moving from eye to foot, and ending with three types of injury: burns, wounds, and stripes. Deuteronomy reproduces only the first part of Exodus's list, while Leviticus starts with a general "injury" and a short list of body parts: head, eyes, and teeth.

A careful reading of these texts suggests that the list, in various forms, circulated independently of the laws to which it is now attached.³⁹ They could be attached to other legislation concerning capital punishment, since the list begins, "life for life." It is clearly secondary to the case of the fetus: two fighting men cannot harm the eye—let alone the tooth—of a fetus.⁴⁰ Similarly, the law in Leviticus has nothing to do with the unit concerning blasphemy, punishable by death. Furthermore, the list disrupts the continuation of Leviticus 24:16: "One who blasphemes the name of the LORD shall be put to death; the whole congregation shall stone the blasphemer. Aliens as well as citizens, when they blaspheme the Name, shall be put to death." The Leviticus talion list is found in its current place because the list begins with the death penalty, the punishment meted out on the blasphemer.⁴¹ In Deuteronomy's context of the lying witness, this law fits: the witness is punished with the penalty that the witness wanted to inflict on the accused.

Only once in the entire scriptures of Israel is something like the talion carried out. According to the book of Judges, the Israelites entering Canaan caught an enemy king named Adoni-bezek "and cut off his thumbs and big toes" (Judg 1:6). The following verse notes: "Adoni-bezek said, 'Seventy kings with their thumbs and big toes cut off used to pick up scraps under my table; as I have done, so God has paid me back.'" This text presents an exceptional case dealing with a foreign king.

Jewish scholars in particular have emphasized that the law of an eye for an eye was theoretical or ideal. For example, the British his-

torian of ancient law Bernard Jackson suggests: "There was no *lex talionis*, but there was a *ius talionis*,"⁴² with *lex* indicating the law as applied, and *ius* signaling a more abstract legal principle. The American scholar of biblical Priestly literature Jacob Milgrom concurs in claiming, "it is hard to believe that strict talion (except for murder) was ever anything but legal theory."⁴³ "An eye for an eye" thus can be seen to express an ideal—that poking out an eye *should* be punished by poking out an eye, indicating the severity of the offense and serving as a deterrent, at least on the philosophical level.

Other scholars have also argued that *lex talionis* was not meant to be taken literally. David Wright observes that Exodus 21:23 employs the verb *n-t-n*, "to give," to govern talionic punishments, and that elsewhere the Covenant Collection uses the verb for monetary compensation, as in 21:32: "If the ox gores a male or female slave, the owner shall pay [*n-t-n*] to the slaveowner thirty shekels of silver, and the ox shall be stoned."⁴⁴ However, although monetary compensation is a possible meaning of *n-t-n*, the Torah typically uses a different expression for "to make restitution for," *sh-l-m . . . tachat*, as in Leviticus 24:18: "Anyone who kills an animal shall make restitution for it, life for life."

It remains possible that gouging out eyes and other forms of talion were meant literally,⁴⁵ despite lack of evidence of its being carried out and lack of clarity concerning who would enforce it. Although the principle appears three times in the Torah, we are unsure whether it was ever implemented by a court, taken literally by any of its readers, served as a theoretical or ideal law, or was interpreted in practice as monetary compensation.

THE STRUGGLE BETWEEN JUSTICE AND MERCY

WE DO NOT know whether *lex talionis* was ever a reality in ancient Israel, but we have ample evidence of postbiblical Jewish interpreters increasingly denying its practice from Hellenistic times to the present.⁴⁶

The earliest extant interpretation is Jubilees 4:31–32, which indirectly addresses the talion by describing Cain's punishment for killing his brother:

His house fell on him, and he died inside it and was killed by the stones of it; for with a stone he had killed Abel, and by a just retribution he was killed by a stone himself. There is a rule about this on the heavenly tablets, With the instrument with which one kills another man, with the same instrument shall he be killed: if he has done a particular injury to another man, the same injury shall be done to him.

This text, however, does not bear on how any court would implement "an eye for an eye." Further, the punishment is exacted by God, not a human judge.

The Septuagint and Targum Onkelos, the most literal translation, do not clarify whether the talion is literal or monetary, while Pseudo-Jonathan and Neofiti, as they often do, expand upon the text, making

it clear that the compensation is monetary.⁴⁷ Josephus, writing with an eye to gentile readers, suggests that the physical talion is carried out only if the victim is unwilling to accept monetary compensation: "He that maims anyone, let him undergo the like himself, and be deprived of the same member of which he has deprived the other, unless he that is maimed will accept money instead of it; for the law makes the sufferer the judge of the value of what he has suffered, and permits him to estimate it, unless he will be more severe" (*Antiquities* 4.280).

Philo starts by affirming the talion: "Our law, being the interpreter and teacher of equality, commands that offenders should undergo a punishment similar to the offence which they have committed" whether the injury is to people or property (*Special Laws* 3.182). He then nuances the point by considering extenuating circumstances: whether the victim was a family member or a stranger, a ruler or a citizen, the timing of the offense, and so on. The Torah suggests no such qualifications.

Philo then turns to the particular circumstance of a master injuring a slave, as the Torah does immediately following the talion law (Exod 21:26–27). Whereas Philo promotes the talion in a case where a free man knocks out the eye or tooth of another free man, when a free man injures a slave, he advises that the slave be granted freedom, following Exodus. His rationale is both practical and moral. First, he reasons that should the master be "mutilated in retaliation," he would make the life of the slave unbearable; the slave would be "so oppressed that he will be ready to die" (*Special Laws* 3.195). Second, he finds justice in the manumission of the injured slave, since the master would not only be deprived of the value of his slave and his services but also be "compelled to do good to his enemy in the most important matters, whom very likely he wished to be able to ill-treat forever" (*Special Laws* 3.197). The point is not the same thing as Jesus's "love your enemies," but it does show the practical impact of such a command.

While some evidence may suggest that the Sadducees or a related group understood the law as reflecting bodily talion,⁴⁸ almost all rabbinic texts on the subject reflect the "rabbis' unease with talion."⁴⁹ The Mishnah (m. Bava Qamma 8:1) presumes that the talion is applied only in a monetary sense: "He who injures his fellow is liable to [compensate] him on five counts: (1) injury, (2) pain, (3) medical costs, (4) loss of income [literally "loss of time"], and (5) indignity."⁵⁰ The Mishnah continues by citing the custom of valuing a slave in defining how "injury" should be assessed monetarily: "For injury: How so? [If] one has blinded his eye, cut off his hand, broken his leg, they regard him as a slave up for sale in the market and make an estimate of how much he was worth beforehand [when whole], and how much he is now worth." The Babylonian Talmud (Bava Qamma 84a) does cite, in the name of the late first-century sage Rabbi Eliezer, that "an eye for an eye" "refers to an actual eye,"⁵¹ but his is a minority opinion.

Later midrashim expand on this preference against physical violence by formulating different textual proofs.⁵² For example, the Babylonian Talmud (Bava Qamma 83b–84a) opens with the question of whether "an eye for an eye" refers to bodily harm or financial restitution. To answer this question, the sages concoct test cases:

There may be a case where there was a blind person and he blinded another, or there was one with a severed limb and he severed the limb of another, or there was a lame person and he caused another to be lame. In this case, how can I fulfill "an eye for an eye" literally, when he is already lacking the limb that must be injured? If one will suggest that in that case, a monetary penalty will be imposed, that can be refuted: But the Torah stated: "You shall have one manner of law" (Leviticus 24:22), which teaches that the law shall be equal for all of you.⁵³

They cannot have one *lex talionis* for a sighted man and another for a blind man. Therefore, the sages reason, the reciprocal punishment must be not bodily harm but financial restitution. On the practical level, financial restitution will help the victim far more than bodily mutilation of the aggressor.

The rabbinic understanding of all talion references in terms of monetary compensation is enshrined in Rashi's gloss to Exodus 21:24: "If one blinded the eye of his fellow-man he has to pay him the value of his eye, i.e., he pays him how much his value would be diminished if he were to be sold as a slave in the market. In the same way all other cases are to be dealt with, but it does not mean the actual cutting off of the offender's limb—just as our Rabbis have explained (Bava Qamma 84a)."

Karaites, Jews who did not accept rabbinic interpretation, were divided on whether these laws refer to monetary compensation or not. Therefore, they developed four different options: talion, monetary compensation, determination of punishment depending on whether the injury was intentional, and leaving the decision of punishment, talion or monetary, to the court.⁵⁴

A small number of medieval scholars recognized that the simple meaning of the text refers to talion. In *The Guide of the Perplexed*, Maimonides observes: "As he who has deprived someone of a member, shall be deprived of a similar member: As he hath maimed a man, so shall it be rendered unto him' [Lev 24:20]. You should not engage in cogitation concerning the fact that in such a case we punish by imposing a fine. For at present my purpose is to give reason for the [biblical] texts and not for the pronouncements of the legal science" (3.41).⁵⁵ Maimonides recognizes that the plain sense of the verse is talion, but he insists, like the other medieval Jewish scholars, that the compensation be monetary.

It is difficult to know whether the medieval Jewish understand-

ing that these verses refer to monetary compensation stems from the rabbinic sources, is based in a polemic against the Karaite interpretation,⁵⁶ is a response to anti-Jewish understandings of these verses among some Christians, or is a combination of these factors.

Evaluating talion is not a simple exercise. In fact, the question, “What is more fair: monetary compensation or physical compensation?” is difficult to answer. Monetary compensation favors the rich, who can pay more easily, while physical talion would act to discourage even the very wealthy from harming others.⁵⁷ Even were the Torah to favor physical talion, we cannot so easily determine whether such a view is fundamentally unjust.

Beyond these musings, it is crucial to remember that postbiblical Jewish law may never have implemented talion. Christian culture often presumes that it did, and still does. When Jesus advises “turn the other cheek,” many readers still conclude that he is rejecting current practice. As literary critic Adam Kirsch summarizes, “To Christianity, ‘an eye for an eye’ represented everything that was wrong with Judaism, as a religion of law rather than love.”⁵⁸ And as Kirsch goes on to note, this view receives support from Shakespeare’s *The Merchant of Venice*, where the Jew Shylock seeks his “pound of flesh” from the titular merchant, Antonio. It is not uncommon in Christian contexts to hear that by speaking of turning the other cheek rather than promoting physical injury, Jesus’s teaching is shocking in its repudiation of the Torah.⁵⁹

Jesus’s remarks are not formulated as antitheses, and he does not reject the scriptures of Israel in favor of a new law. He has not come to abolish the Torah, as he himself states according to Matthew’s Gospel. Jesus is no more rejecting the Torah than are the rabbis, who insist that “an eye for an eye” is a legal principal, not a juridical mandate. In the case of “an eye for an eye,” he changes the subject from bodily harm to humiliation. Therefore, we cannot determine how he

would rule regarding actual injury. The irony is that, despite the frequent Christian claim that Jews take texts literally whereas Christians understand their spiritual value, here it is Christians who are reading the Torah literally and imposing that literal reading on Judaism.

We think it helpful to address how law—and especially the talion—should be understood today. A 2014 Gallup poll reported, “Americans who favor the death penalty most often cite ‘an eye for an eye’ as the reason they hold their position, with 35% mentioning it.”⁶⁰ Coming in at distant seconds are “save taxpayers money” and “they deserve it.” People who use the Bible to support capital punishment might take notice that in Jesus’s citation of the talion law, he does not mention “a life for a life.” Thus the claim that Jesus himself would approve of capital punishment receives minimal support—and only from what is not said.

The discussion of what to take literally and what to take as hyperbole applies to the words of Jesus as well. Jesus speaks of nonretaliation, and yet for many of his followers the expression “praise the Lord and pass the ammunition” still holds a sacred place. It is about such matters as refusing retaliation that Martin Luther King, Jr., correctly stated concerning Jesus’s teaching, “He wasn’t playing.”⁶¹

We agree. Justice without mercy, reflected in “an eye for an eye” taken literally, is intolerable. Yet mercy without justice—a permanent physical injury that receives no compensation at all, or receives unequal compensation based on the economic status of the perpetrator—to us is equally intolerable. When we put Jesus into his Jewish tradition, we see that both concerns, justice and mercy, remain. Great care must be taken in using the Bible as a precedent for judicial issues—especially when the biblical materials are not as clear as we may think.