

An eye for an eye

Question:

Leviticus 24:18–21

¹⁸ “Anyone who kills another person’s animal must pay for it in full—a live animal for the animal that was killed.

¹⁹ “Anyone who injures another person must be dealt with according to the injury inflicted—²⁰ a fracture for a fracture, an eye for an eye, a tooth for a tooth. Whatever anyone does to injure another person must be paid back in kind.

²¹ “Whoever kills an animal must pay for it in full, but whoever kills another person must be put to death.

In reading Leviticus 24:18–21, it seems that God is advocating retaliation rather than restitution. How are we to understand this?

Response

First, let’s take a brief look at how Yahweh gave His law to Israel.

Yahweh didn’t deliver all His laws in one sitting. The record of the Torah (the first five books that Moses wrote) shows that God would sometimes wait for incidents to occur in Israel and then He would give instructions on what to do. This is known as case law, where based on an incident, Yahweh gave instructions and established the law at the time when the incident occurred. And that particular incident would set the precedent for future cases.

There are four occasions when Moses had to ask Yahweh for guidance in dealing with a specific issue:

1. A man (with an Israelite mother and an Egyptian father) used Yahweh’s name to curse (Leviticus 24:10–16).
2. A man had defiled himself by contact with a corpse and could not celebrate the Passover (Numbers 9:6–14).
3. A man violated the Sabbath (Numbers 15:32–36).
4. The inheritance issue of Zelophehad, who only had five daughters and no sons (Numbers 27:1–11).

We will only examine the first incident as it is connected with the current discussion.

The blasphemy of the son of Shelomith

Leviticus 24:10–16 (ESV)

¹⁰ Now an Israelite woman's son, whose father was an Egyptian, went out among the people of Israel. And the Israelite woman's son and a man of Israel fought in the camp, ¹¹ and the Israelite woman's son blasphemed the Name, and cursed. Then they brought him to Moses. His mother's name was Shelomith, the daughter of Dibri, of the tribe of Dan. ¹² And they put him in custody, till the will of the LORD should be clear to them.

¹³ Then the LORD spoke to Moses, saying, ¹⁴ "Bring out of the camp the one who cursed, and let all who heard him lay their hands on his head, and let all the congregation stone him." ¹⁵ And speak to the people of Israel, saying, Whoever curses his God shall bear his sin. ¹⁶ Whoever blasphemes the name of the LORD shall surely be put to death. All the congregation shall stone him. The sojourner as well as the native, when he blasphemes the Name, shall be put to death.

First, note all the personal details of the man and his family. Why did God provide so many family details? Yahweh was showing that He was getting Moses to record real history and the lives of actual people.

Now, note the man in question. He is the son of Shelomith and he had blasphemed the Name. The Name refers to God's personal name, YHWH, which we pronounced Yahweh. As can be seen in the passage, the Jewish people were very respectful of God's personal name, to the point where out of reverence for Him, they refuse to say God's name aloud. So they often refer to Yahweh, as "the Name" ("Hashem" in Hebrew).

This son of Shelomith had blasphemed Yahweh's name in a fight. Perhaps he had cursed Yahweh's name or used Yahweh's name to curse the one he was fighting. Whatever the details, the community heard him cursing with Yahweh's name and they recognised that the man had violated the second of the Ten Commandments about not taking the name of the LORD in vain (Exodus 20:7). But what was to be his punishment?

The people didn't know because Yahweh hadn't stated it yet. So they put the blasphemer in custody. (This is one of the few instances where a criminal in Israel was placed into custody temporarily.)

So Moses consulted God about it and Yahweh gave him instructions. The sentence for blasphemy was to be capital punishment. The man had grossly violated God's name and reputation and had to held accountable for his sinful actions.

Notice Yahweh's specific instructions for the community affected:

1. They had to take the offender outside the Israelite camp so that the death would not happen in the middle of the community. In other words, the execution wouldn't be done hastily but in an orderly manner.
2. All the ones who had heard him curse had to be present. They would place their hands on the offender's head. It was almost as if they were returning to him the blasphemy they had heard him utter.
3. Then his community had to stone the offender to death.

What we see here is a careful use of capital punishment. Much earlier, after the global Flood, God had said capital punishment was the sentence for a murderer (Genesis 9:6). This command was universal and applied to all mankind. But now we see that under Mosaic Law, which was meant only for the nation of Israel, other severe crimes, like blasphemy, would also have capital punishment as the penalty.

Note that it wasn't one individual taking the life of another individual. There was community involvement and it was done in an orderly manner. This is the essence of capital punishment —that it is done by the civil authority and not some kind of revenge killing.

Having the community involved also showed that witnesses were needed for crimes that carried the sentence of capital punishment. And having the community involved also served as a warning to the rest of the community not to commit the same crime.

So besides murder, here was another crime whose sentence was capital punishment which was to be carried out by the civil authorities that Yahweh had put in place under Mosaic Law.

And just for wider context, the nations of that time often allowed individual justice or personal revenge. Other nations at the time also had different standards of justice based upon the social status of the offender and victim.

For example, in the Code of Hammurabi (an 18th century BC king of Babylon), if a slave took out the eye of a noble, then it would be a death sentence for the slave. But if a noble took out the eye of a slave, then it would only be a fine for the noble. And so on. There was no equality in the law of the nations around Israel.

So, to make it clear that capital punishment could not be applied haphazardly or randomly, right after pronouncing capital punishment for cases of blasphemy, God restricts the use of capital punishment in the very next verses.

Leviticus 24:17–23 (ESV)

¹⁷ “Whoever takes a human life shall surely be put to death. ¹⁸ Whoever takes an animal's life shall make it good, life for life. ¹⁹ If anyone injures his neighbor, as he has done it shall be done to him, ²⁰ fracture for fracture, eye for eye, tooth for tooth; whatever injury he has given a person shall be given to him. ²¹ Whoever kills an animal shall make it good, and whoever kills a person shall be put to death. ²² You shall have the same rule for the sojourner and for the native, for I am the LORD your God.”

²³ So Moses spoke to the people of Israel, and they brought out of the camp the one who had cursed and stoned him with stones. Thus the people of Israel did as the LORD commanded Moses.

These instructions were given at the same time that the son of Shelomith was given the sentence of death by stoning. We see that the people obeyed in verse 23.

Yahweh was making it clear that Israel was not to be like the nations around them and use capital punishment whenever they felt like it. Rather, the punishment had to fit the crime. For killing a person, it was to be a death sentence.



The 2m stone column (stele) where the law code of Hammurabi was inscribed.

For killing an animal, the victim who lost his animal could not kill the person who had destroyed his animal. The punishment was to “make it good”, that is restitution. The offender had to replace the dead animal with a live one of equivalent value.

If a victim were injured, then he didn't have the right to kill the one who hurt him. God limited the punishment to an equal value one. Fracture for fracture, eye for eye, tooth for tooth.

Lamech's overreaction

Compare this to the past where Lamech killed a man who merely wounded him.

Genesis 4:23-24 (ESV)

²³ Lamech said to his wives:

“Adah and Zillah, hear my voice;
 you wives of Lamech, listen to what I say:
I have killed a man for wounding me,
a young man for striking me.

²⁴ If Cain's revenge is sevenfold,
 then Lamech's is seventy-sevenfold.”

This incident in early Genesis was before God put in place capital punishment and limited the punishment to fit the crime.

(This is probably why when Peter asked Jesus how many times he should forgive a person who sinned against him, Jesus replied, “Seventy-seven times.” Jesus was most likely referring to Lamech's hardheartedness and saying that His people are to be the exact opposite—loving and forgiving. See Matthew 18:21–22.)

So what Yahweh was demonstrating with these additional instructions was that He is a God whose standard of justice is fair. The punishment fits the crime. It's not too severe, it's not too light. If a man suffered the loss of an arm, he could not expect to have the right to kill the one who hurt him. And so on.

Law of retaliation?

But still, does this mean God allowed “equal-value” retaliation? If I lost an eye, did I have the right to take out my attacker's eye?

By the time of Jesus' first coming, the Pharisees certainly thought that way. They taught the “law of retaliation”. They believed this was still a higher moral standard than overwhelming vengeance for a small injury.

But at the Sermon on the Mount, Jesus corrected this misunderstanding.

Matthew 5:38–42 (ESV)

³⁸ “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 the one who is evil. But if anyone slaps you on the right cheek, turn to him the other also. ⁴⁰ And if anyone would sue you and take your tunic, let him have your cloak as well. ⁴¹ And if anyone forces you to go one mile, go with him two miles. ⁴² Give to the one who begs from you, and do not refuse the one who would borrow from you.

Jesus was pointing out that personal vengeance was never God's intention.

Leviticus 19:18 (ESV)

You shall not take vengeance or bear a grudge against the sons of your own people, but you shall love your neighbor as yourself: I am the LORD.

God wanted to protect His people from retaliation.

Because of their misunderstanding of the law, Jesus specifically told them not to retaliate. He told them not to resist evil. In the context, "resist" (Greek: *anthistēmi* — to stand against) means to defend oneself or to take aggressive action as Jesus' following words indicate. Jesus is implying that people should leave justice for God to settle and people should instead be willing to surrender what was theirs to avoid taking revenge. Jesus told the people to love others instead!

How God's restitution works

Now, if Jesus said they misunderstood the so-called "law of retaliation", then what did Yahweh mean by fracture for fracture, eye for eye and tooth for tooth?

Well, Yahweh gave more instructions on how restitution works.

Exodus 21:18–27 (ESV)

¹⁸ "When men quarrel and one strikes the other with a stone or with his fist and the man does not die but takes to his bed, ¹⁹ then if the man rises again and walks outdoors with his staff, he who struck him shall be clear; only he shall pay for the loss of his time, and shall have him thoroughly healed.

²⁰ "When a man strikes his slave, male or female, with a rod and the slave dies under his hand, he shall be avenged. ²¹ But if the slave survives a day or two, he is not to be avenged, for the slave is his money.

²² "When men strive together and hit a pregnant woman, so that her children come out, but there is no harm, the one who hit her shall surely be fined, as the woman's husband shall impose on him, and he shall pay as the judges determine. ²³ But if there is harm, then you shall pay life for life, ²⁴ eye for eye, tooth for tooth, hand for hand, foot for foot, ²⁵ burn for burn, wound for wound, stripe for stripe.

²⁶ "When a man strikes the eye of his slave, male or female, and destroys it, he shall let the slave go free because of his eye. ²⁷ If he knocks out the tooth of his slave, male or female, he shall let the slave go free because of his tooth.

Notice the similar verbiage in verses 23 and 24 ("eye for eye, tooth for tooth"). Then notice the fuller context of what Yahweh is saying about restitution. Let's go through the examples that God gives.

1. **Verses 18–19.** If two people fight and one is injured so badly that he is confined to bed for a period of time but then he recovers, then the offender has to pay the appropriate amount to cover the injuries and for the loss of labour while the victim was recuperating. The victim doesn't get to injure the offender as compensation.

2. **Verses 20–21.** If a master kills a slave, the master suffers capital punishment (“he shall be avenged”). But if the master hits a slave who doesn’t die immediately but later, then the loss of the slave is punishment enough for the master. (The slave’s ability to labour is income for the master.) This assumes the master hitting the slave wasn’t the cause of death.

(This may sound harsh to us but remember that Jewish slaves in Israel generally became slaves because they could not repay their creditor and thus went into debt. All they had left was their ability to work and so they became an indentured worker [“slave” in biblical vocabulary] for six years to pay off their debt to the creditor, who then became their master for the six years. At the end of the six years, the slave would go free, even if the full amount hadn’t been repaid [Deuteronomy 15:12–15]. God wanted the masters to be compensated for their lost wealth through the labour of the debtor but at the same time, He provided a way out for debtors.)

3. **Verses 22–24.** Here, special attention is given to pregnant women and their unborn babies. If the mother or the baby is killed, the sentence for the offender is “life for a life”. But if the baby is alive but injured, then the judge will declare the fine (with the husband’s input) and the size of the fine is based on the severity of the injury—eye for eye, tooth for tooth, hand for hand, foot for foot, etc.

Now this is where we see clearly that the offender isn’t going to lose his eye, tooth, hand or foot. Rather, the judge will determine the fine, based on the severity of the injury to the mother and the baby.

We see the same phrasing as in Leviticus 24 and with the expanded explanation, we see God’s principle of fair-value compensation, rather than retaliation.

4. **Verses 26–27.** And lest we think too little of God, He returns to the subject of indentured workers. Now God gives specific instructions that if a master causes his slave to lose an eye or a tooth, then the master-slave contract of that slave is terminated immediately. The slave is to go free because of his master’s cruelty and the slave is no longer in debt to the master. The master suffers economic loss (he doesn’t get his money back) but he doesn’t lose a body part. God does care for every person at every level of society.

So in this set of laws, we see God’s principle of restitution at work. In particular, we see God use the same phrasing: “eye for eye, tooth for tooth”, etc., and we see that God is saying the punishment, specifically the fine, is a fair-value payment. Not too little, not too much, but only the fair value of the hurt caused. Offenders must not get away with paying too little, and victims must not get away with extracting too much.

False witnesses

We see this principle one more time when God addresses false witnesses. For serious crimes, like murder, God requires more than one eyewitness to the event.

Numbers 35:30 (ESV)

“If anyone kills a person, the murderer shall be put to death on the evidence of witnesses. But no person shall be put to death on the testimony of one witness.

Notice God's requirement of proof sets a high bar. Circumstantial evidence is not accepted for crimes with capital punishment. Only eyewitnesses were accepted, and at least two or more eyewitnesses. It wasn't simple to get a death sentence passed in Israel!

And to prevent false witnesses from framing others, Yahweh gave these additional laws.

Deuteronomy 19:15–21 (ESV)

¹⁵ "A single witness shall not suffice against a person for any crime or for any wrong in connection with any offense that he has committed. Only on the evidence of two witnesses or of three witnesses shall a charge be established. ¹⁶ If a malicious witness arises to accuse a person of wrongdoing, ¹⁷ then both parties to the dispute shall appear before the LORD, before the priests and the judges who are in office in those days.

¹⁸ The judges shall inquire diligently, and if the witness is a false witness and has accused his brother falsely, ¹⁹ then you shall do to him as he had meant to do to his brother. So you shall purge the evil from your midst. ²⁰ And the rest shall hear and fear, and shall never again commit any such evil among you. ²¹ Your eye shall not pity. It shall be life for life, eye for eye, tooth for tooth, hand for hand, foot for foot.

In Israel, judges assumed a person was innocent until proven guilty. Here in Deuteronomy, God explains what judges were to do with suspected false witnesses.

The judges were to take the case with a suspected false witness to their "supreme court", that is, before the Tabernacle ("appear before the LORD"). There, with Yahweh's presence visible, they were to investigate carefully with the help of the priests. Then, if the witness(es) were found to be lying, the judges were to impose the same punishment on the false witness that the accused would have received: life for life, eye for eye, tooth for tooth, etc.

In other words, if the accused would have received a fine because of the testimony of the witnesses, then the false witness would now receive that fine instead. And if there would have been a death sentence for the accused, then it would now be applied to the false witness. The seriousness of these punishments help to ensure people didn't lie in court!

It was not as if false witnesses would lose an eye or a tooth or an arm for lying in court. But the phrasing meant that the false witnesses would receive the punishment instead of the falsely accused person.

Summary

It takes some study to realise that God has particular ways of phrasing His thoughts and we need to be diligent in putting together all His words on a topic to get an accurate sense of what He is saying. Even the Pharisees misunderstood God's Word and mis-taught it to the people. This is why it's helpful to compare any section of Scripture with the rest of Scripture to get a more accurate picture of what God is saying. And getting a good sense of Scripture gives us a better sense of God's character.

The legal system of Israel reflected the character of Yahweh. He gave Israel a set of laws that would ensure no one, great or small, noble or slave, would be unfairly treated. In fact, Yahweh had special compassion on the poor and underprivileged and He made many provisions for them in His law (see for example, Deuteronomy 15:1–18.)

Deuteronomy 15:4–5 (ESV)

⁴ But there will be no poor among you; for the LORD will bless you in the land that the LORD your God is giving you for an inheritance to possess— ⁵ if only you will strictly obey the voice of the LORD your God, being careful to do all this commandment that I command you today.

Yahweh's law was in stark contrast to the nations around Israel.

Yahweh's justice is based on restitution, the putting right of what has gone wrong, or to "make it good" (Leviticus 24:18). In compensating a victim, Yahweh insists on a fair-value repayment—not too little and not too much. And He does not want His people to settle injustice with violence. So the principle of "eye for an eye, tooth for a tooth" sets the standard for fair-value repayment, rather than a call to retaliate.

Endnote

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