

judges. In Exodus 21 we have a series of institutions for applying the ten commandments to the life of Israel. The judgments concern servants, manslaughter, capital punishment for first-degree murder, criminal negligence, etc. Among the prescriptions it takes up the case of abortion caused by assault and battery. The law is that such abortion is punishable by fine, but that if the mother dies as a consequence, then it is punishable by death -- life for life, is the rule, eye for eye, tooth for tooth, hand for hand, etc.

Also in Dt. 19:21 the verses are in a context of court procedure. The previous verses are instructions to judges on rules of evidence. Perjury is to be punished according to the magnitude of the offense. The false witness is to be given the penalty that his perjury would have brought upon the accused. If his false witness would have condemned an innocent man to death as a murderer, the false witness should be executed. If it would have caused an innocent man to pay a heavy fine as a thief, the false witness should pay such a fine. "And thine eye shall not pity, but life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot." Again in Lev. 24:20 the consideration of the judgment to be given for a blasphemer brings up this principle of judgment that the penalty must fit the crime.

There has been a question in the minds of many whether this is a proper principle even for court procedure. We may remark that it was far more proper than the court penalties meted out in early 18th century England where hanging was the penalty for 160 offenses ranging from murder to shop lifting more than a dollars worth! And in the case of Israel where prisons were unknown it was a practical expedient in line, evidently, with current practice. We can point out that there is no clear case in the Old Testament where it was applied. It is possible that the phrases "eye for an eye etc." are more or less proverbial expressions in the common law expressing the very important legal principle that the severity of the punishment must match the gravity of the crime.

Now the scribes of Jesus' day, literalists as they were, apparently were taking passages out of the context of court procedure and were using them for the justification of all kinds of personal vengeance. The Pharisees were not the kind that commonly turned the other cheek -- at least the Pharisees and Sadducees got into a regular scuffle when Paul in the council declared his belief in the resurrection, (Acts 23:6). And the Pharisees lived by their law suits; they are often mentioned as in a class with the lawyers. Surely none of them would have thought of giving an extra coat to settle a matter out of court! And there is a hint in Matt. 5:41 that the Pharisees' vengefulness toward Roman rule is singled out. The words reflect the practice of the Roman officers impressing someone into messenger service for the government. Imagine a Pharisee thus impressed by the hated Romans to have no feeling of vengeance, but to go a second mile! The very wording is a burning expose of the Pharisaic attitude of personal vengeance which they apparently excused by reference to these rules for Israel's judges -- rules which in context are proper. But as to personal vengeance, when Paul warns against it in Rom. 12:19 he appeals to the books of Deuteronomy and Proverbs for substantiation of his warning. So we conclude that in this case also Jesus is not contradicting the Old Testament, but is arguing against the Pharisaic misinterpretation