

LEX TALIONIS

Micah 2:1 Woe to those who devise wickedness and work evil on their beds! When the morning dawns, they perform it, because it is in the power of their hand.

In the Old Testament God gives His people a command that is supposed to put a check into how far they are allowed to go in retribution. He tells them **An eye for an eye and a tooth for a tooth**, meaning the punishment should not exceed the offense. He tells His people that they are not justified in retaliating in an uncontrolled way; He gives them a boundary, a check around how far vengeance can go.

God did this in order to preserve His people. In Latin this is called Lex Talionis, it becomes the foundation for almost every modern legal system in the world today. The principle is that “the punishment should fit the crime,” Lex (Law) Talionis (Retaliation)...the law of retaliation.

The Old Testament prescription (Exodus 21:24; Leviticus 24:19–20; Deuteronomy 19:21) was not given to foster vengeance; the law explicitly forbade that (Lev 19:18). Rather, it was given, as the context shows, to provide the nation’s judicial system with a ready formula of punishment.

In Jesus’ day the courts seldom imposed *lex talionis*. The trouble is that a law designed to limit retaliation and punish fairly could be appealed to as justification for vindictiveness. Jesus’ disciple is not to resist “an evil person.” In the context of the *lex talionis*, the most natural way of understanding the resistance is “do not resist in a court of law.” What Jesus is saying does not contradict Old Testament law, what Jesus is saying is reasonably clear: the Old Testament, including the *lex talionis*, points forward to Jesus and His teaching.

The Old Testament laws permitting divorce was enacted because of the hardness of men’s hearts (19:3–12), the *lex talionis* was instituted to curb evil because of the hardness of men’s hearts as well. John Piper says, “God gives by concession a legal regulation as a dam against the river of violence which flows from man’s evil heart.”

The Old Testament prophets foretold a time when there would be a change of heart among God’s people, living under a new covenant (Jeremiah 31:31–34; 32:37–41; Ezekiel 36:26). Not only would the sins of the people be forgiven (Jer 31:34; Ezek 36:25), but obedience to God would spring from the heart (Jer 31:33; Ezek 36:27) as the age of God’s Kingdom dawned. Jesus’ instruction on these matters is grounded in the Kingdom of God. In Jesus and the kingdom, fulfillment (even if partial) of the Old Testament promises arrives.

Four illustrations clarify Jesus’ point and drive it home:

- In the first, a man strikes another on the cheek—not only a painful blow, but an insult (cf. 2 Corinthians 11:20). If a right-handed person strikes someone’s right cheek, presumably it is a slap by the back of the hand, this is considered more insulting than a slap by the open palm. The verb “strikes” (*rhapizei*) probably refers to a sharp slap. Instead of seeking recompense at law under the *lex talionis*, Jesus’ disciples will gladly endure the insult again.
- Under Mosaic law the outer cloak was a ‘must have’ possession (Exod 22:26; Deut 24:13), Jesus’ disciples, if sued for their tunics (an inner garment, like a suit but worn next to the skin), far from seeking satisfaction, will gladly part with what they may legally keep.
- The third example refers to the Roman practice of commandeering civilians to carry the luggage of military personnel a prescribed distance, one Roman “mile.” This was called “impressment,” and like a lawsuit, evokes outrage; but the attitude of Jesus’ disciples under such circumstances must not be spiteful or vengeful, but helpful (willing to go a second mile).
- The final illustration requires not only interest-free loans (Exod 22:25; Lev 25:37; Deut 23:19) but a generous spirit (cf. Deut 15:7–11; Pss 37:26; 112:5).

All of these verses deal with the heart’s attitude, the better righteousness.

Matthew 5:42 does not commit Jesus’ disciples to giving endless amounts of money to every one who seeks “begs” (Proverb 11:15; 17:18; 22:26). Verse 40 is clearly hyperbolic: no first-century Jew would go home wearing only a loincloth. These verses also do not deal with the validity of a state police force. Yet the illustrations must not be diluted by endless stupid arguments; the only limit to the believer’s response in these situations is what love and the Scriptures impose.

These same words are actually used when Paul confronts Peter in Galatians 2. Paul could “resist” (same Greek word) Peter to his face (Galatians 2) because love demanded it in light of the damage being done to the gospel and to fellow believers.

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