

BOOK REVIEW

James F. Davis, *Lex Talionis in Early Judaism and the Exhortation of Jesus in Matthew 5.38-42* (JSNTSup, 281; Sheffield: Sheffield Academic Press, 2005); xv + 192 pp. Hbk. US\$115.00.

The *lex talionis* in the Hebrew Bible and in Jewish interpretation has been the subject of much discussion. Davis seeks to explore Jesus' use and interpretation of the tradition in the context of his teaching on the law of retaliation in the Sermon on the Mount. While Davis recognizes the extensive research that has already been done on these issues, he insists that not enough attention has been given to the time and place of the relevant Jewish sources. Added sensitivity to these issues will lead to a more adequate handling of the sources and a more accurate picture of Jewish interpretation of the *lex talionis* during the time of Jesus.

Davis begins his investigation with a survey of previous research. The sheer volume of work that has been produced just in the last century resists comprehensive analysis, even of more recent research. Nevertheless, one is left wondering about Davis's reasons for making the selection he has, particularly with reference to the commentaries. Comprehensiveness of treatment would seem to be the obvious basis, yet Carson's contribution on Matthew in the *Expositor's Bible Commentary* is consulted, but Hanger's two volume work is not.

Two views emerge regarding the *lex talionis* in the Old Testament and three different perspectives have been taken on the retaliation commands in Mt. 5.38-42. In the Old Testament, those who are sympathetic to or interested in defending the Mishnah and Talmud prefer a non-literal talion while most others allow for a literal interpretation. The commands in the New Testament have been taken literally, as a hyperbole, or as 'focal instance' (extreme and narrow examples which are impossible to carry out). Davis argues for a literal interpretation of the *lex talionis* in the Old and New Testaments and spends the next major portion of his monograph supporting the claim that this was a common view among Jews during the first century.

Davis initiates his investigation of Jewish texts with the primary source material for the *lex talionis*, the Old Testament. He examines Exod. 21.22-27, Lev. 24.17-22 and Deut. 19.15-21, and a series of secondary texts that use or refer to the *lex talionis*. He makes a compelling case that the Old Testament writers intended the talion to be taken literally, including maiming and death—at least in the case of murder. By the time of the Mishnah and Talmud, there was a general shift in perspective on the talion that understood the fulfillment of the condition for maiming in terms of financial compensation. Whether this view was carried over among the rabbis and in the popular understanding (if they differed) until the time of Jesus is the subject of the next chapter.

The interpretation of Early Jewish texts is given extensive treatment by Davis. He assembles a broad collection of non-canonical literature including selections from deuterocanonical material, Qumran texts, the pseudepigrapha, Philo, Josephus, the Mishnah, the Tosefta, the Targums, the Midrashim and the Babylonian Talmud. The Roman *lex talionis* is also treated here, but is clearly out of place in a chapter entitled ‘The *Lex Talionis* in Early Judaism’. Although the Roman material is pertinent to the development of his argument, perhaps it would have been more appropriate as an appendix to the chapter. After a relatively detailed treatment of these sources, Davis concludes, ‘The combined effect of this testimony is compellingly to argue that in the first century the literal interpretation of the *lex talionis* was not only a viable view but a major one as well, though the evidence is not substantial enough to say it was a majority view’ (p. 99). It was not until the second century that Jewish rabbinic leadership was in essential agreement that the Old Testament talion could be fulfilled through monetary compensation in court matters.

Davis’s next topic is the ‘Historical Background and Context of Matthew 5.39-52’. This consists mainly of word studies (esp. ἀντίστυμι) and the analysis of retaliation, insult and financial compensation in a wide range of Jewish texts. Davis concludes that ἀντίστυμι may be used for resistance in court, resistance to Roman rulership, or resistance to the evil man. The slap on the cheek was a sign of insult and humiliating indignity, especially the backhanded slap. It was intended to demonstrate the lesser status of the one who was slapped. The garments mentioned in Matthew 5 are set against the backdrop of the Torah command that if a debt is owed, a lender can

take a person's garment as long as it is returned by nightfall. Specific biblical examples of commandeering under the Roman rule are scarce and it is explicitly condemned in Old Testament and rabbinic teaching, although some rabbinic literature assumes forced labor as a common practice in the first century. The exhortations on lending and giving are correlated to Deut. 15.7-11, which requires lending to the poor in Israel. Davis also suggests that the antithetical statements are not contrasted with Old Testament teaching, but are aimed at contradicting the traditions and principles propagated by the scribes and Pharisees.

The book concludes with two exegetical chapters. The first provides a verse-by-verse exposition of the passage, drawing heavily upon the contextual considerations laid out in the previous chapter. Davis argues for a literal understanding of the fulfillment of the conditions set forth by Jesus in connection with a new standard of righteousness and his program for the eschatological kingdom. Jesus' commands are not hyperbole or 'focal instance'; 'they are difficult, but not impossible' (p. 149). The setting for these commands includes events inside and outside of the courtroom setting and unlike the typical teaching of the day, Jesus approaches the issues from the perspective of what to do with the offender rather than the offended. The final chapter focuses on correlations to Jesus' teaching in first-century Jewish teaching, the New Testament and early Christianity. Davis brings out the contrast between what Jesus requires and the rabbinic teaching of his day, and illustrates how his interpretation of the retaliation commands is confirmed by other New Testament passages and the teaching of the church in the first few centuries.

*Lex Talionis in Early Judaism* provides a detailed treatment of the cultural and religious background for Mt. 5.38-42. While it is not the first study of its kind, it is probably the most in-depth. Davis's interpretation of the passage is not entirely novel—though he does make a compelling case that Jesus' antitheses are aimed at contemporary Jewish tradition, not the Old Testament. The most valuable contribution of the study, therefore, seems to be found its demonstration of a literal view within first-century Jewish interpretation of the *lex talionis* and the corrective it offers on accurate handling of ancient sources in biblical scholarship.

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