



The 5776 (2015-2016) cycle of Dvar Tzedek is a special one. To commemorate AJWS's 30th anniversary, we are sharing a selection of some of our favorite commentaries from past years. Each legacy commentary will be introduced with a related reflection on AJWS's work and contemporary issues.

Introductory Reflection

In her 2012 Dvar Tzedek on *Parashat Emor*, author Sarah Mulhern writes about one of the most controversial lines in the Torah: "If anyone maims his fellow, as he has done, so shall it be done to him; fracture for fracture, eye for eye, tooth for tooth..." This passage—also found in the Code of Hammurabi and Babylonian law—has been used to justify violent retribution for millennia. Sarah points out that the rabbis of the Babylonian Talmud found this line problematic, and so shifted the focus from physical retribution to financial repayment ("money for an eye")—not only removing the element of violence, but also benefiting the victims.

Sarah goes on to advocate for a similar shift in contemporary approaches to justice for crimes like those of Joseph Kony in Uganda—away from violence and revenge and towards support of victims and sustainable solutions to help people heal. Human rights advocates around the globe today exemplify this approach, as they seek reparations for other atrocities.

In Guatemala, for example, Carlos Chen Osorio, an indigenous activist, has spent decades seeking restitution after the military massacred his wife and children and hundreds of other Maya Achi civilians in 1982 to make way for the Chixoy hydroelectric dam. With support from AJWS grantee RedLAR (The Latin American Network Against Dams and for Rivers, Communities and Life), Carlos and other survivors have used advocacy and the courts—rather than violence—to advance their cause. In the 1990s, they pushed Guatemala's new government to exhume mass graves and investigate the crimes—which has allowed Maya Achi families to hold long delayed funerals for people who disappeared during the massacres. In November of 2014, thanks to their tireless advocacy and organizing, former Guatemalan President Otto Perez Molina publicly apologized to the survivors and officially promised more than \$150 million in aid and reparations for their communities. Now, Carlos and his peers are working to make sure that the government makes good on this promise so that the communities of Maya Achi can prosper and the families of those massacred can obtain some measure of justice and have an opportunity to heal.

Learn more about [RedLAR here](#), and read Sarah's piece below, for more insight into how the rabbis' progressive view of reprisal can stop the cycle of violence and revenge.

Parashat Emor 5776

By Sarah Mulhern

May 21, 2016

(Reprinted from May 12, 2012)

Parashat Emor closes with one of the most famous and controversial pronouncements in the Torah:

If anyone maims his fellow, as he has done so shall it be done to him; fracture for fracture, eye for eye, tooth for tooth. Just as he inflicted an injury upon a person, so shall it be inflicted upon him.¹

On the surface, the idea of punishing assault by physically harming the perpetrator makes a certain kind of sense. The threat of physical punishment would have likely been an effective deterrent for many potential assailants and it fulfills an instinctual desire for fairness and revenge, as the perpetrator must experience *exactly* the same pain and physical limitation he inflicted. Yet for most people, this law is deeply disturbing. Many of us reject its suggestion of violence as an ethical tool for meting out justice. It also strikes me as risky: punishing violence with violence could create situations ripe for reprisal and could set off spiraling violent feuds.

The Rabbinic tradition also found this law problematic. Despite what seems to me (and most biblical scholars) to be the clear meaning of the verse, the Rabbis refuse to accept that the Torah could say such a thing. The Babylonian Talmud spends more than a page tying itself into knots in order to reject the law's plain meaning, bringing textual evidence and practical objections to prove its deliberate misread of "eye for an eye" as meaning "money for an eye."²

By shifting from physical retribution to financial repayment, the Rabbis preserved the best elements of the original law while freeing themselves of the most dangerous. The new system held on to the wisdom that victims of violence need to see punishment of the perpetrators in order to heal. But by removing the element of violence, the Rabbis prevented the perpetuation of cycles that could lead to further assaults in retribution. Most importantly, in this new model the victims actually *benefit* from the punishment by receiving financial compensation, including reimbursement for their medical care and lost wages.³

This wise approach to justice and retribution could be a useful example to those engaged in the current debate about how to respond to Joseph Kony and his paramilitary group, the Lord's Resistance Army. Made infamous in the West by the popular viral video [Kony 2012](#), Kony perpetrated violent crimes against civilians—including rape, murder and forced conscription of children—during the bloody civil war in Northern Uganda from 1987 to 2006. He continues to use these tactics to prey on the civilian populations of parts of Democratic Republic of Congo, the Central African Republic and South Sudan today.⁴

The solution popularized by the *Kony 2012* video argues that Kony should be arrested and brought to trial in the International Criminal Court.⁵ Galvanized by the public outcry generated by the video, the African Union and United Nations are currently preparing a force of 5,000 troops to mount a military attack on the LRA and arrest Kony.⁶

This solution fulfills our desire to act and Kony's victims' need to see him punished, but it fails to heed the Rabbis' message—that our response to violence must include efforts to prevent it from recurring. Previous attempts to

¹ Leviticus 24: 19-20.

² Babylonian Talmud, Baba Kama 84a.

³ Babylonian Talmud, Baba Kama 83b.

⁴ "Four African nations crack down on LRA," *BBC*, 16 October 2010. <http://www.bbc.co.uk/news/world-africa-11558746>

⁵ Invisible Children, "KONY 2012," *YouTube*, 12 March 2012. <http://www.youtube.com/watch?v=Y4MnpzG5Sqc>

⁶ "Africa: Military Action Against LRA Rebels Risks New Wave of Retaliations, Charities Warn," *allAfrica*, 20 April 2012.

<http://allafrica.com/stories/201204201180.html>

©2016 American Jewish World Service

To subscribe to this publication, please visit www.ajws.org/dvartzedek.

AJWS is committed to a pluralistic view of Judaism and honors the broadest spectrum of interpretation of our texts and traditions. The statements made and views expressed in this commentary are solely the responsibility of the author.

45 West 36th Street, New York, NY 10018 • t 212.792.2900 • f 212.792.2930 • e ajws@ajws.org •

www.ajws.org

capture Kony through military force have triggered significant retribution attacks against civilians, and this new campaign has triggered fears that history will be repeated. A group of NGOs working in LRA-affected areas recently called on the UN to ensure that any military campaign to capture Kony would include an intensive effort to protect civilians.⁷ This is a crucial element that must not be overlooked if further violence is to be prevented.

Further, we must learn from the wisdom of our tradition that our response to violence must benefit the victims as well as punish the perpetrators. Like the biblical victim of assault, whose economic needs were taken into account in the punishment, attempts to capture Kony must be paired with investment in programs that support the victims of his atrocities. One Ugandan organization, AJWS grantee Friends of Orphans,⁸ is doing crucial work to rehabilitate and educate former child soldiers and help them re-enter their communities. This and other similar programs, which move beyond simple justice into peace building and development, deserve the world's attention and support.

We can certainly all agree that Joseph Kony must be stopped and punished for the atrocities he committed. However, we must not make the mistake of rushing to pursue careless revenge. The world must pause long enough to craft a solution that will bring justice while protecting the innocent and investing in programs that will help Kony's victims and their communities move forward. Done thoughtfully, in the tradition of the Rabbinic adaption of "eye for an eye," these steps will be the difference between touching off another round of violence and creating a true opportunity for healing.



Sarah Mulhern is a fourth year rabbinical student at Hebrew College, where she is also working towards a Masters in Jewish Education and is a Wexner Graduate Fellow. During rabbinical school, Sarah has worked in a variety of settings—including pulpits, social justice organizations, mikvaot, hospitals, and adult and youth education. Previously, Sarah worked for several years at American Jewish World Service, where she designed curricula, wrote *divrei torah*, ran On1Foot.org, trained educators and designed and led service-learning programs. Sarah is an alumna of Yeshivat Hadar, Pardes Institute, Drisha Institute, Beit Midrash Har El, and Brandeis University. She currently lives in Cambridge, MA, with her husband, Will.

⁷ Ibid.

⁸ *Friends of Orphans*, <http://frouganda.org/>.

©2016 American Jewish World Service

To subscribe to this publication, please visit www.ajws.org/dvartzedek.

AJWS is committed to a pluralistic view of Judaism and honors the broadest spectrum of interpretation of our texts and traditions. The statements made and views expressed in this commentary are solely the responsibility of the author.

45 West 36th Street, New York, NY 10018 • t 212.792.2900 • f 212.792.2930 • e ajws@ajws.org •

www.ajws.org