



DVAR TZEDEK

Parshat Emor 5772

By Sarah Mulhern

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We are pleased to welcome guest writer, Sarah Mulhern, program associate at American Jewish World Service.

Parshat 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

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>

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 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 joined AJWS in September of 2010 as a Program Associate in the Department of Education and Community Engagement. In that role, she contributes to the creation of educational resources including curricula, prayers and text studies. She also manages On1Foot.org, the online portal for Jewish texts and social justice. Prior to joining AJWS, Sarah taught at Camp Ramah in Wisconsin and in the Pardes Institute of Jewish Studies' Social Justice Track. She studied at the Pardes Institute from 2008-2010 and at Yeshivat Hadar in the summer of 2008. Sarah holds a BA from Brandeis University in History and Political Science. Sarah can be reached at smulhern@ajws.org.

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>

⁷ *Ibid.*

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

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