

Eye for an Eye



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Analyzing the law of the talion--an eye for an eye, tooth for a tooth--literally, William Ian Miller presents an original meditation on the concept of "pay back". Miller's unique theory of justice offers redemption via retaliation. It espouses the view that revenge is a highly structured phenomenon that requires a deep commitment to balance in order to get even in a strict but fair manner. As a result, we find that much of what is assumed to be justice, honor and respect is just a way of providing a means of balancing or measuring valuations. Moreover, according to its biblical roots, the law of the talion implies that the value of an eye can only be matched with another eye, suggesting that body parts are to be considered units of valuation. Pursuing this further, the talion seems to require such parts as a preferred means of payment. Thus body parts have a justified claim not only as money, but as the most valued type of payment as well--by uniquely fulfilling the most demanding (and thus most honorable) means of compensation. Applying this concept to the real world, Miller argues that Shylock's pound of flesh wager can be justified circumstantially in *The Merchant of Venice* and that blood oaths effectively ensure the most lasting bonds of trust over time. He also analyzes other societies and cultures, comparing the ancient and seemingly more primitive with their modern counterparts, by gauging the role of the talion, as a means of maintaining honor within them. Sadly, the ancient and more primitive seem to have

functioned more righteously, for the most part, because the execution of violent retaliation was tightly controlled by the talion and accordingly limited its excesses. William Ian Miller is the Thomas G. Long Professor of Law at the University of Michigan Law School. He has also taught at Harvard, Yale, Chicago, and the Universities of Bergen and of Tel Aviv. The recipient of a J.D. and a Ph.D. in English, both from Yale, Professor Miller has written other books including Faking It CUP (2003), The Mystery of Courage (2000) and The Anatomy of Disgust (1967).

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