



FROM *LEX TALIONIS* TO BLOOD MONEY: A MODEST PROPOSAL FOR OLMERT'S ISRAEL

Olmert's vision of Israel should follow the disgraced prime minister into oblivion. If, however, upcoming elections leave a successor with similar surrender sentiments, here is a modest proposal. It has to do with the *Lex Talionis*, or law of exact retaliation.

The *Lex* was born in ancient Israel. Not a bloodthirsty principle of vengeance, this altogether seminal Jewish contribution to justice prescribes that an injury must be requited by a reciprocal injury, no less and no more. A law of compassion, not of hatred, the *Lex* flows from the understanding that crime demands punishment and that unpunished crime pollutes the entire land.

But the times are changing. The outgoing Olmert government, in stark contrast to ancient and modern Jewish commitments to the *Lex*, has decided not only to leave major crimes against the people of Israel unpunished, but also to reward such crimes extravagantly. The most obvious current example is Olmert's crude expulsions of Jewish "settlers" to make room for another Arab terror state, and his granting freedom for Fatah and other terrorists.

Prime Minister Olmert has distanced himself from the *Lex Talionis* by freeing jailed terrorists and even by offering amnesties to those not yet apprehended. This is called, in Jerusalem, Washington and London, part of a "Road Map to Peace in the Middle East". Many of those terrorists who had been released previously were promptly "punished" with authoritative positions in the Palestinian "security services". Others became (what a surprise?) directly involved in suicide bombings. For their crimes of murder and mutilation, these terrorists were "sentenced" to become policemen. Soon, if Olmert or a sympathetic party successor has his way, they will become senior statesmen in the new State of "Palestine", a 23rd Arab state which will be oriented explicitly toward Israel's annihilation. From the standpoint of international law, this openly exterminatory orientation will satisfy all of the juridical requirements of genocide.

To an extent, the Olmert government's continuing retreat from indispensable positions of generic and Jewish justice was prefigured by the continuing surrenders of earlier Israeli governments (especially those of Prime Ministers Rabin, Peres, Netanyahu, Barak and Sharon) and by the Shamir government's critical non-response to 1991 Arab aggression. When, during the first Gulf War, Desert Storm, Iraq launched 39 Scud missiles directly at Israeli noncombatant populations, Israel's reaction was simply to absorb the attacks. There was no retaliatory response of any kind. Justice, it seemed, would have to be left to the Americans.

Before Olmert, before Barak, before Netanyahu, then Prime Minister Peres blustered menacingly that he was “holding Syria responsible” for Katyusha rocket attacks on the Galilee. And also, that he was “holding the PLO responsible” for various terrorist atrocities. The PLO, threatened Peres, now had limited time to end its incessant genocidal call for Israel’s destruction “or else...”.

But all of these threats were patently hollow then, and they remain equally hollow today. Everyone now understands that Israel no longer holds anyone responsible for any killing of Jews. Not at all. Rather, Israel now speaks loudly and carries a tiny stick.

No retaliation – not exact retaliation – is Israel’s order of the day. Once again, Jewish life has become cheap. Ironically, in this case it has been cheapened not by enemy states and peoples, but by the one state that was specifically reborn to give meaning to the sacred injunction, “Never Again”.

This brings to mind a modest proposal. As the Olmert government has now fully abandoned any notions of dignity and justice for its Jewish citizens, permitting them to be expelled and ultimately slaughtered without even a plausible hint of security or justice, why not inaugurate a formal national policy of “blood money?” Here, because of its unwillingness to behave decently, bravely and with honor, this government could now inform both terrorists and terror states that Jerusalem (before it is allowed to become the capital of “Palestine”) will begin to accept material damages for Jewish lives. So, for the bombing of a bus on the streets of Tel Aviv or a shopping mall in Netanya, the government could let it be known that it expects, say, 1,000 NIS for each dead Jewish passenger and 500 NIS for each one who is “merely wounded”. Or for the launching of a rocket into Israel, Israel would expect monetary payment, from the offending Arab state or terrorist group, based upon a carefully constructed schedule of compensation for Jewish fatalities and injuries.

Why not? Israel has made it perfectly clear that longstanding notions of Jewish justice no longer apply in its policy calculations. By invoking the practice of blood money, Israel would not be removing any national commitment to real justice – since no such commitment presently exists – but simply be substituting material damages for no justice at all. In this way, prospective victims of Arab/Islamic terror and/or war – that is, every current citizen of Israel – could know that there would be at least some compensation for crimes against Israelis. True, the compensation would be obscene, but obscenity, in such circumstances, is perhaps the best these Jewish citizens can now expect. As for certain obvious violation of Torah (the Torah states that we cannot “accept ransom for a murderer... for blood, it pollutes the land, and no expiation can be made for the blood that is shed therein, but by the blood of him that shed it”), such violation will occasion little difficulty for yet another Israeli government whose fondest hope is to disengage from everything Jewish.

One final observation: By moving from no retaliation to blood money conceptions of justice, Prime Minister Olmert or his sympathetic Kadima successor would act in the fashion of certain other recognizable human communities. By no means would such an Israeli move be unprecedented. After all, blood money is accepted practice in parts of Somalia; by the Tonga tribe in Africa; by certain Bedouins of Libya; among the Australian aborigines; the Tauade of New Guinea and the Jivaro Indians of eastern Ecuador. No, Israel would have company. Israel would not be alone.

Blood money is an alternative to the Lex Talionis. Olmert’s Israel has abandoned the Lex for a policy of “kill and terrorize Jews with impunity”. Better, therefore, that Israel accept blood money than continue with a policy of “kill us and be rewarded”. This is a loathsome proposal,

to be sure, and one that is advanced, quite obviously, with tongue in.. cheek, but it should remind us of Israel's increasingly suicidal decline under Olmert.

LOUIS RENÉ BERES (Ph.D., Princeton, 1971) is a professor of international law at Purdue. He is unaccustomed to the Swiftian genre, but the surreal times in Olmert's Israel now demand nothing less.

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