

## NOT SO BARBARIC !

Never has a people been as often maligned as the Hebrews, ancient and modern, has. On the strength of one misunderstanding, virtually the whole of Old Testament law is frequently branded as harsh and brutal and the Jewish People, the People of the Book who live by it, as barbaric. On radio and television; in books, plays and newspapers, laymen and ecclesiastics (who should know better) speak – with disrespect if not downright ridicule – of the supposedly outdated and inhumane Old Testament’s “eye for an eye, tooth for a tooth.” They choose not to see that only comparatively recently has the Western world emerged from their backwardness and progressed somewhat, relatively speaking, to give up its old system of duel and vendetta and blood-feud and instead started to adopt a system of justice and law that has its roots in the Old Testament. Thus we have an ironic situation: the very law which is now at last being practised (although so far only in part) almost universally is at last acknowledged to be civilized and a huge improvement on the do-it-yourself rough justice of old. Yet now, because of a sad misunderstanding, that very system of law and justice is used to condemn and ridicule the people who have practiced it since it was taught to them in the Sinai Desert some 3500 years ago.

The source of the mischief is a law taken from Exodus, Chapter 21. The King James’ Authorised Version translates verse 24 in that Chapter 21 as, “An eye for an eye, a tooth for a tooth, a hand for a hand, a foot for a foot.” But this wording is then mistakenly taken as meaning that whatever injury a man might perpetrate upon his fellow, the same shall be done to him. Because of this wrong interpretation, the law is branded as *lex talionis*, the cruel and primitive “law of retaliation” or “the law of vengeance” and with it the whole corpus of Old Testament law is criticised and brought into disrepute. Yet this interpretation is clearly at variance with the whole spirit of the laws preceding and following this verse and is totally against what they teach in fact.

Furthermore, in verses 18 and 19 of that chapter, the law lays down that a man who sustains injuries so that he is unable to work and is confined to bed and needs medical attention is to be paid compensation by his aggressor. This itself refutes the idea that verse 24 is in any way intended as a *lex talionis*, for the infliction of a similar wound on the criminal would make him (at best) equally bedridden and needful of medical attention and yet the law states categorically that the aggressor’s punishment is limited to paying compensation for his attack upon his fellow.

These considerations lead to the conclusion that the only meaning in accord with the intrinsic and true meaning of verse 24 is that cited by the Talmud Bavli (Tractate Bavva Kamma, 83b et seq.) the great and ancient expositor of the Bible, which teaches that monetary compensation alone is required for injuries inflicted. In fact, on careful examination of the text, it can be clearly shown that the explanation of the Talmud is quite clearly in accordance with the literal expression of the Bible. Looking closer at that wording of verse 24, “an eye for an eye, a tooth for a tooth, a hand for a hand and a

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foot for a foot,” but especially at the word “for” which is used by the Authorised Version to translate the Hebrew word *“tachas,”* things become clearer. The basic meaning of *“tachas”* is “below,” “beneath,” “under” or “underneath” and thus expresses the idea of “for” only in the sense of “instead of” or “in place of.” *“Tachas”* is therefore the proper and usual expression for compensation, as may be seen by comparing many verses in the Bible.

For instance, in verse 36 of the same chapter 21 in Exodus, the law is laid down that the owner of an ox which has killed another man’s ox is that “he shall certainly pay an ox *“tachas”* the ox.” In Chapter 21 of Exodus, verse 37 says of a man who kills or sells a stolen ox or sheep, that “he shall restore five oxen *“tachas”* the ox and four sheep *“tachas”* the sheep.” *“Tachas”* translated by the King James’ Authorised Version in these two examples as “for” is seen as a legal term for compensation for wrongs committed, not as retaliation.

Similarly, in Numbers, Chapter 22, verse 13, Pinchos ben Elozzer ben Aharon HaKohen and his children after him are promised “the covenant of everlasting priesthood, *“tachas”* he was zealous ...” *“Tachas”* is translated in this case by the Authorised Version as “because,” giving the meaning of the last phrase as “for a reward for his zeal.” In fact, the word *“tachas”* can hardly ever be taken as referring to retaliation, as in the expression and meaning of “measure for measure.”

That this is so can be seen clearly from the two verses in Chapter 24 of Leviticus. Verse 18 states: “He that smites a beast mortally shall make it good: life *“tachas”* life.” Now, the last phrase there, “a life for a life,” can only mean “fair compensation” for otherwise any man slaying an animal forfeits his own life in return! And then, removing all doubt as to the meaning of that verse 18, and hence any doubt about the meaning of the word *“tachas,”* is verse 21 in the same paragraph: “He that kills a beast shall make it good and he that kills a man shall be put to death.”

Consequently, thorough investigation of the Hebrew sources amply testifies to the validity of the Talmudic account of ancient Hebrew practice; namely, that the terms “an eye for an eye, a tooth for a tooth” etc., are a demand for adequate and equitable monetary compensation, after due and judicial appraisal, for any physical injury which is not fatal.

It is thus one of the paradoxes of history that, on the one hand, the Old Testament, which is called by its detractors and various other kinds of anti-Semite the book of “strict justice” and “the law of retaliation” in fact rejects the application of a law of retaliation. The Old Testament knows neither mutilation as a legal punishment nor torture as a lawful procedure. Yet those Christian lands where the people – even to this day – choose to ridicule the Old Testament because it is the law of the Jews and because of this they would therefore deride it as primitive and callous, would do well to remember that mutilation and torture were well-nigh the indispensable accompaniments of a hotchpotch of practices that passed for justice from the middle of the 13th century down to the end of the 18th (we won’t even mention what passed as law before then!) and in some countries, even to the middle of the 19th century and beyond.