Introduction

I BEGAN this project interested in the question of how much of biblical law was transplanted from the law of the rest of the ancient Near East. It swiftly became obvious to me that I had to expand the scope of the project to examine the broader spectrum of procedures, institutions, and literary forms connected with the adjudication of homicide in the Hebrew Bible and its relationship to aspects of Israelite society and religion. It is among the laws on homicide that the closest parallels between biblical law and ancient Near Eastern law are evident, in the statutes on the ox that gored and fatal assault on a pregnant woman, but a different picture comes into focus in the complete process by which homicide was adjudicated. Indeed, what is most noticeable is how little of the adjudication of homicide in the Hebrew Bible is similar to that of ancient Near Eastern law.

It is essential to understand that the treatment of homicide in the Bible is dependent on the institutions and conceptual underpinnings of biblical society. Biblical law did not come into existence in a vacuum, and law in general is part and parcel of a cultural system. Without such a holistic point of view, law could very easily be taken out of its context and misunderstood.[1]

[1] Shemaryahu Talmon, "The 'Comparative Method' in Biblical Interpretation – Principles and Problems," *Congress Volume: Göttingen* (SVT 29; Leiden: Brill, 1978), 320–356 (reprinted in his *Literary Studies in the Hebrew Bible: Form and Content* [Jerusalem: Magnes Press, 1993],

The treatment of homicide in the Bible is directly linked to aspects of biblical culture outside the legal sphere. Indeed, the contours of Israelite society and religion generated specific institutions and principles. This study will highlight the relationship of biblical law to Israelite society and religion, allowing us to see how the adjudication of homicide fit into the cultural pattern of Israelite society.

Law in the Bible must be investigated in its own environment before any meaningful or valid comparison can be made. Nonetheless, interpreting biblical law in its ancient Near Eastern context is also essential. The Bible did not come into existence in a vacuum. Biblical culture and society stemmed from the cultures of the ancient Near East, especially that of Mesopotamia, whose influence is felt in almost every chapter of the Hebrew Bible.

The striking convergences and divergences in form and content between biblical law and ancient Near Eastern law with regard to homicide in particular have profound implications. (The law from the ancient Near East appears to be part of a common tradition, and since it is all written in cuneiform script, whether in Sumerian, Akkadian, or Hittite, it is called "cuneiform law.")[2] Some scholars have focused on the question of how biblical writers knew of cuneiform law. Raymond Westbrook suggests that biblical writers actually possessed copies of ancient Near Eastern laws: Cuneiform law collections were literary works used as school texts in Canaanite scribal workshops and, by implication, were used the same way during the Israelite period.[3] Reuven Yaron thinks that there was a common law throughout the ancient Near East, including ancient Israel, law that was sporadically put into writing, and that the similarities between biblical and cuneiform law reflect this common law.[4] Shalom M. Paul and J. J. Finkelstein argue that biblical law and ancient Near Eastern law had a direct connection but that the exact method of transmission cannot be ascertained.[5] Other scholars have focused on elucidating the guidelines by which cuneiform law was reworked. Moshe Greenberg argues that a general legal/theological principle of biblical law that contradicted a general principle of cuneiform law generated divergent law on the same subject despite biblical law's basis in

11–49); David P. Wright, *The Disposal of Impurity* (SBLDS 101; Atlanta: Scholars Press, 1987), 5–7.

[2]The term "cuneiform law" was coined by Paul Koschaker, "Keilschriftrecht," *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 89 (1935), 26, and "Forschungen und Ergebnisse in den keilschriftlichen Rechtsquellen," *ZSS* 49 (1929), 188–189.

[3]Raymond Westbrook, *Studies in Biblical and Cuneiform Law* (CahRB 26; Paris: J. Gabalda, 1988), 2–3.

[4]Reuven Yaron, *The Laws of Eshnunna* (revised edition: Jerusalem: Magnes Press, 1988), 294–295.

[5]Shalom M. Paul, *Studies in the Book of the Covenant in the Light of Cuneiform and Biblical Law* (SVT 18; Leiden: E. J. Brill, 1970), 104–105; J. J. Finkelstein, *The Ox That Gored* (prepared for publication by Maria deJ. Ellis; Transactions of the American Philosophical Society 71/2; Philadelphia: The American Philosophical Society, 1981), 20.

cuneiform law.[6] Finkelstein contends that theological differences account for the disparate laws in the Bible regarding a case that was borrowed from cuneiform law.[7] A few have dissented from seeing a connection between biblical law and cuneiform law: A. Van Selms claims that the differences were too great, even in a case like the goring ox, and that the dependency of biblical law on cuneiform law seems unlikely.[8] Albrecht Alt holds that the geographic distance between ancient Israel and Mesopotamia was simply too great and that biblical law was based on Canaanite law, which is no longer extant.[9]

This study therefore operates on two levels: analyzing biblical law in its own context and comparing biblical law to cuneiform law. This two-front approach prevents the distortion of cultures, when the features and significance of a parallel phenomenon are transferred from one to the other, and allows for a more accurate assessment of cultural phenomena.[10]

A few words on the comparative method are in order. The comparative method in general has benefits and perils. It always walks the fine line between a comparison of contrasts and a comparison of similarities. Indeed, the pendulum of biblical studies has swung regularly from emphasizing the continuity of the Hebrew Bible with the rest of the ancient Near East to emphasizing the discontinuity of the Hebrew Bible with the rest of the ancient Near East and back again.[11] This is partially because the comparative method suffers from the danger of generalization in which uniqueness is lost. First, arranging one set of data against another set may organize the comparison so that there is a matching of components in a Procrustean bed, whether or not there is a correspondence. A culture in its complete phenomenology can easily be obscured. Second, combining what is in each set makes that set appear monolithic. The comparative method, as it is used in biblical studies, locates the Hebrew Bible on one side and everything from the rest of the

[6] Moshe Greenberg, "Some Postulates of Biblical Criminal Law," in *Jubilee Volume for Yehezkel Kaufman* (ed. Menahem Haran; Jerusalem: Magnes Press, 1960), 20, 14–15 (reprinted in *The Jewish Expression* [ed. Judah Goldin; New York: Bantam, 1968], 18–37). Bernard S. Jackson attacks Greenberg's views in *Essays in Jewish and Comparative Legal History* (Studies in Judaism in Late Antiquity 10; Leiden: Brill, 1975), 25–63. Greenberg replies to Jackson's attack in "More Reflections on Biblical Criminal Law," *Studies in Bible* (ed. Sara Japhet; ScrHier 31; Jerusalem: Magnes Press, 1986), 1–18.

[7] Finkelstein, *The Ox That Gored*, 5.

[8] A. Van Selms, "The Goring Ox in Babylonian and Biblical Law," *ArOr* 18 (1950), 321–330.

[9] Albrecht Alt, "The Origins of Israelite Law," in *Essays on Old Testament History and Religion* (trans. R. A. Wilson; Garden City, New York: Anchor Books, 1968 [1966]), 124–126.

[10] Richard G. Fox, *Urban Anthropology: Cities in Their Cultural Settings* (Englewood Cliffs, New Jersey: Prentice-Hall, 1977), 4; William W. Hallo, "Biblical History in Its Near Eastern Setting: The Contextual Approach," in *Scripture in Context: Essays on the Comparative Method* (Pittsburgh: The Pickwick Press, 1980), 1–26.

[11] Cf. Meir Malul, *The Comparative Method in Ancient Near Eastern and Biblical Legal Studies* (AOAT 227; Neukirchen-Vluyn: Neukirchener Verlag, 1990), 13–78.

ancient Near East on the other. The Hebrew Bible becomes uniform, as does all the rest of the ancient Near East. One might well imagine a different focus: The Neo-Assyrian or Hittite texts could occupy center stage, with every other source from the rest of the ancient Near East (including the Hebrew Bible) assembled in comparison and analyzed in a comparative light.

Furthermore, the time span from which the cuneiform texts originate is broad, from the Neo-Sumerian period (twenty-first century B.C.E.) to the end of the Neo-Assyrian period (seventh century B.C.E). They stem from a wide geographical sphere encompassing the entire ancient Near East, including Egypt, Ugarit, the Hittite empire, Assyria, Babylonia, and Sumer.[12] They are written in Sumerian, Akkadian, and Hittite. Despite this diversity, there is much uniformity across these cultures in the realm of law, but any analysis of such greatly diverse material must avoid blurring differences and be sensitive to the variations between cultures. It is also essential to be wary of importing alien categories on ancient Near Eastern cultures, a warning to be heeded ever since Benno Landsberger defended the "conceptual autonomy of the Babylonian world."[13]

This study has attempted to bypass these pitfalls in two ways: 1) by utilizing all the textual sources that these cultures offer in order to present the treatment of homicide in each culture in its fullness; and 2) by being conscious of the variety within each set of data as a corrective to the polarization inherent in the comparative method. This study will treat the cuneiform material as a whole only when it is warranted and will emphasize where the cuneiform material does not cohere. As we will see, Assyrian law differs at times from the rest of Mesopotamian law, and the adjudication of homicide as reflected in legal records occasionally diverges from law collections.

Generally, studies of biblical law and cuneiform law have been confined to formal collections of statutes, but in this study, I will make use of a broader repertoire. First, in addition to the formal collections of law in the Bible, I will treat narrative texts touching on homicide because these texts can shed light on legal matters by providing evidence for elements essential to legal practice omitted in legal texts.[14] They can provide insight into the social setting in which law was used. Narratives can be used as a means of accessing key aspects in law not necessarily included in legal texts. They can identify what are felt to be the inadequacies of a legal system. They can provide insight into how the law appears to operate in actuality, whether well or poorly, and how law relates to general concepts of law and government. They can reveal

[12]There is only a single document from Egypt on homicide, and it is in fact Babylonian in origin. This text, EA 8, addresses the murder of the Babylonian king's merchants by Egyptian vassals and does not treat homicide internal to Egyptian society.
[13]Benno Landsberger, *The Conceptual Autonomy of the Babylonian World* (1924; reprint, MANE 1/4; Malibu: Undena, 1976).
[14]For a fuller discussion of this methodology, see my article "The Narrative Quandary: Cases of Law in Literature," *VT* 54 (2004), 1–16.

the inherent flaws of a legal system, unanticipated in statutes. Narrative texts are, therefore, critical to the study of biblical law, and their absence from previous studies is a lacuna this study hopes to remedy.

Second, in contrast to many other studies, attention will also be paid to the legal records from the ancient Near East as well as to the formal legal collections. The former include records in a variety of forms from actual legal cases and treaties covering cases that might arise in the future. The records of actual cases reflect how the legal process was carried out and what was deemed essential to a transcript of a case. The treaties and other international documents encapsulate the shared features of the legal procedure and principles between countries and may shed light on the common denominator of the treatment of homicide in the ancient Near East, if one should exist. With few exceptions, scholars have concentrated on the formal legal collections.[15] Thorkild Jacobsen's 1959 article on a Sumerian homicide trial[16] and Martha T. Roth's reconstruction of Neo-Assyrian homicide procedure[17] represent rare examples of analysis of legal records. Horst Klengel identifies common legal practices of West Semites in the Late Bronze Age by studying the treaties and other interterritorial documents of the period.[18] The cuneiform texts treated here appear in a variety of forms, such as legal records of a wide variety, letters referring to actual cases of homicide, and treaties and formal collections of law containing provisions on unlawful death, but there are lacunae that call for comment. Cuneiform narrative texts deal with killing during war or with generations of younger gods superseding the previous generation by killing the older gods, not with the type of slaying treated in this study. Oddly enough, although the Neo-Babylonian period is the second-best documented period in Mesopotamian history, there are no Neo-Babylonian texts treating homicide (except for an attempted homicide, TCL 12 117). This may not be as surprising as it seems initially, since the Neo-Babylonian texts originate almost exclusively from the archives of temples, religious institutions that did not have jurisdiction over cases of homicide.

[15] Even a study as recent as Ulrich Sick's *Die Tötung eines Menschen und ihre Ahndung in den keilschriftlichen Rechtssammlungen unter Berücksichtigung rechtsvergleichender Aspekte* (Ph.D. diss., Eberhard-Karls-Universität, 1984), did not make reference to any legal records, though the records were available in edited form by then, some in a number of editions.

[16] Thorkild Jacobsen, "An Ancient Mesopotamian Trial for Homicide," *Studia Biblica et Orientalia* (Analecta Biblica et Orientalia 12; Rome: Istituto Biblica Pontificio, 1959), 3.130–150, reprinted in Thorkild Jacobsen, *Toward the Image of Tammuz and Other Essays on Mesopotamian History and Culture* (ed. William L. Moran; HSS 21; Cambridge, Massachusetts: Harvard University Press, 1970), 193–214.

[17] Martha T. Roth, "Homicide in the Neo-Assyrian Period," in *Language, Literature, and History: Philological and Historical Studies Presented to Erica Reiner* (ed. Francesca Rochberg-Halton; AOS 67; New Haven, Connecticut: American Oriental Society, 1987), 351–365.

[18] Horst Klengel, "Mord und Bussleistung in spätbronzezeitlichen Syrien," in *Death in Mesopotamia* (ed. Bendt Alster; Copenhagen Studies in Assyriology 8; Copenhagen: Akademisk Verlag, 1980), 189–197.

Undoubtedly, homicides occurred during the Neo-Babylonian period. Unfortunately, we have no records of them.

We must be aware of our limited access to sources. It must be acknowledged that there is no way of determining the extent to which the Hebrew Bible reflects a representative cross section of ancient Israelite culture. The Bible may incorporate only selected aspects of Israelite society, offering us a skewed picture of ancient Israel. Nor is there any certainty whether the statutes in the Bible were used in a court system. There is only one inscription from ancient Israel that deals with a legal matter, the Meṣad Ḥashavyahu or Yavneh-Yam letter, in which a complaint is lodged with an official regarding an object left in pledge that was not returned.[19] We must ask, therefore, whether the differences that are found between the Hebrew Bible and the documents from the rest of the ancient Near East are real differences, or whether they simply reflect a limited, and therefore distorted, database, due to the accidental nature of tradition, for the Hebrew Bible, and of archaeological discovery, for inscriptions from the ancient Near East as a whole. A critical distinction needs to be drawn between the Hebrew Bible and ancient Israel. The Hebrew Bible is not a representative cross section of ancient Israel. It comprises products of particular individuals and ideological circles. The idiosyncracies of these writers and theological factions may distort the law.

These strictures, however, could be applied to any collection of texts: Could any finite collection of works, like the Hebrew Bible or even the fifty-odd documents amassed from cuneiform cultures, ever suffice? How many documents from a particular era in a particular territory would ever be a sufficient number? We can only base a historical reconstruction on what we have, keeping in mind how our sources skew our perception. We are always at the mercy of the next archaeological discovery. In the absence of court records or other documents shedding light on actual legal procedures in ancient Israel, a reconstruction of the law based on the material in the Bible must be qualified by the acknowledgment that a distinction needs to be drawn between the legal system as described in the Bible and the actual legal system of ancient Israel.

A hotly debated issue in the study of cuneiform law is whether the statutes in formal collections of law were precedent setting and comprehensive. In other words, were the formal collections of law ever used in court? This issue has been subsumed in scholarship under the question of whether the Laws of Ur-Nammu, the Laws of Lipit-Ishtar, the Laws of Eshnunna, the Laws of Hammurapi, and the Middle Assyrian Laws should be called "law codes." Objections have been made to calling the Mesopotamian laws and the Hittite Laws law codes because they were neither binding nor comprehensive nor

[19] J. Naveh, "A Hebrew Letter from the Seventh Century B.C.," *IEJ* 10 (1960), 129–139; KAI 200.

apparently ever cited; rather, they should be called "law collections."[20] However, James Lindgren argues that the word "code" is rarely used to refer to a country's comprehensive body of law and that restatements of laws already in force are generally considered to be codifications of law even if the restatements themselves have no binding force.[21] In this study, I shall call them law collections for convenience.

Lastly, I must emphasize that the comparative method is not a method of evaluating the superiority or inferiority of any culture in contrast to another. Especially in regard to a topic such as homicide that is the subject of such heated debate in contemporary society, we must be aware of the ways we belong to biblical tradition, as well as the distance we are from it in light of modern legal and political ideals.

OUTLINE OF THE BOOK

The first chapter focuses on the story of Cain and Abel. This tale adumbrates many of the critical issues involved in the treatment of homicide in the Bible. It is the most famous case of homicide in the Bible, and as a tale intentionally set in hoary antiquity, it both concurs with and diverges from the treatment of homicide as described in the rest of the Bible. It sets the stage for the analysis that follows.

The second chapter, "Blood Feud and State Control," deals with social history and comparative law. I analyze the institution that ensured that a homicide would be punished in biblical law. In biblical Israel, the victim's family assumed the primary responsibility for ensuring that the slayer was punished: One member of the victim's family, "the blood avenger," possessed the right to kill the slayer on sight with impunity. I argue that this process should be understood as blood feud, a legal institution with particular characteristics, basing my interpretation on an anthropological model. Blood feud was a legal mechanism, not an aberration outside of the law, and was directly linked to the role of the clan or lineage, the association of extended families, in other legal matters. The identification of the process as blood

[20] Cf. Finkelstein, *The Ox That Gored*, 15–16; Jean Bottero, *Mesopotamia: Writing, Reasoning, and the Gods* (trans. Zainab Bahrani and Marc van de Mieroop; Chicago: University of Chicago Press, 1992), 156–184; F. R. Kraus, "Ein zentrales Problem des altmesopotamischen Rechts: Was ist der Codex Hammurabi?" *Genava* n.s. 8 (1960), 292. What is ironic about this stricture is that it appears that whatever law is studied is compared unfavorably to any other law, which appears to be binding and comprehensive in comparison. Cf. the lament about the Icelandic laws *Grágás* by Andrew Dennis, Peter Foote, and Richard Perkins, *Laws of Early Iceland: Grágás* (University of Manitoba Icelandic Studies III; Winnipeg: University of Manitoba Press, 1980), 9.

[21] James Lindgren, "Measuring the Value of Slaves and Free Persons in Ancient Law," *Chicago-Kent Law Review* 71/1 (1995), 150–151, n. 3.

feud is critical because it allows us to understand it as an intrinsic element of the legal process and how blood feud is by its nature rule-bound. The potential for violence actually limits violence and promotes the acquiescence of the killer to a trial. In a society without specialized judicial personnel, such as police or prosecutors, a lineage acting as a mutual aid society ensures that the crime would be punished. This understanding of the process is in direct contrast with the prevailing idea that the actions of the family are outside the law and that the excesses of the family's activities must be curbed by the law.

At the institutional level, therefore, biblical Israel differed radically from its neighbors. Blood feud did not operate elsewhere in cuneiform law, where a central government exerted control over the legal process. The difference is due to disparate conceptions of society. I argue that a social system based on kinship ties persisted in ancient Israel. This is contrary to the dominant models of the social development of ancient Israel, which claim that kinship ties broke down during the monarchy. My argument is based on both textual evidence and archaeological data. The organization of society based on kinship ties in ancient Israel is in sharp contrast to the pervasive urbanism of Mesopotamian society, in which kinship ties dissipated. This chapter concludes with three excurses on matters essential to my analysis. In the first, I evaluate and reject the argument that the blood avenger was *not* a member of the victim's family. In the second, I present the evidence that the Akkadian term *bēl damê,* "owner of the blood," refers both to the slayer and to the claimant from the victim's family. This terminology reflects the difference between biblical and Mesopotamian law. Biblical law is focused on the representative of the victim's family, whereas the participation of both parties is the assumption of Mesopotamian law. In the third excursus, I reconstruct the Neo-Assyrian process of the adjudication of homicide from a series of documents. This set of texts is the only one available that allows us to reconstruct a Mesopotamian example of the adjudication of homicide from start to finish.

The third chapter, "The Development of Places of Refuge in the Bible," sketches the history of the development of asylum and analyzes the cities of refuge as described in the Pentateuchal sources. I argue as faulty the claim that altar asylum for killers developed into the cities of refuge as a result of the consolidation of control by the early monarchy or for the monarchy by the Deuteronomic reform. The narrative evidence depicting asylum during the period of the early monarchy actually shows political offenders, not killers, seeking asylum from their political opponents, and the texts from Deuteronomy do not present the cities of refuge as an innovation, contrary to how other Deuteronomic reforms are depicted. The statute in the Covenant Code, Exod 21:12–14, is ambiguous: It is equally plausible that it refers to asylum at an altar or to a city of refuge. The second part of the chapter shows that the differences between the Pentateuchal sources designated P/H and D on a number of the basic features of these sanctuaries is as a direct

result of their ideological and theological programs and is not based on a historical development from altar asylum to cities of refuge. The number of refuges in the Priestly tradition is linked to its program of schematicizing Israelite history, and its linkage of Levitic cities to the cities of refuge reflects its evaluation of the Levites. The Priestly law is concerned with the purity of space, whereas the Deuteronomic law is focused on the Israelite people. The Deuteronomic crystallization of the cities of refuge is informed by a Deuteronomic interest in social aspects of the law. Finally, I demonstrate how the different traditions of P/H and D are brought together in the description of the cities of refuge in the book of Joshua.

The relationship of the treatment of homicide to Israelite religion is the subject of the next chapter, "Pollution and Homicide." Homicide had a cultic valence. I demonstrate that blood was considered to be both a polluting and cleansing substance. The spilling of blood was a serious offense not only because a person was slain but because the spilled blood itself was a polluting substance. A slaying not only contaminated the slayer but affected the purity of the nation as a whole because biblical religion extended the concept of impurity to include certain nonritual offenses, such as homicide. The only viable remedy was to remove the contamination by spilling the blood of the killer, a cleansing act because of the decontaminating power of blood. This concept is reflected in the title given to the avenger from the victim's family, גאל הדם, "the redeemer of the blood."

Even an accidental killing polluted. According to the Priestly traditions, this meant that the accidental killer was forced to remain in a city of refuge until the death of the high priest: His death acted as expiation for the contamination incurred by the accidental death. A city of refuge was therefore both a sanctuary and a prison. In Deuteronomy, the concept that any unlawful killing pollutes was manifested in the concern that an accidental slayer might be killed by the avenger before reaching the city of refuge and in mandating a public ceremony removing the ill effects of spilled blood when a corpse whose killer cannot be identified is discovered.

By contrast, the pollution caused by homicide is generally ignored in sources from the rest of the ancient Near East. In the event of a corpse being found in an open field, the concern is with determining who is responsible for compensating the victim's family, not with any possible contamination. I argue that, at least in the case of Mesopotamia, this difference is due to fundamental differences between Israelite religion and Mesopotamian religion. In the latter, blood was considered only to be a polluting substance, not a cleansing substance, and the blood spilled in an unlawful death did not contaminate anyone besides the killer. Impurity was thought to be caused by demons, and committing a sin subjugated a person under the control of demons. The solution then was to send the demons back to their home. Biblical religion manifests the anxiety that pollution had an effect on national institutions and concerns and that the misdeeds of a single individual

could pose a danger to the larger group – these are concepts not extant in Mesopotamian religion.

In Chapter Five, "Typologies of Homicide," I deal with the typologies of homicide reflected in the biblical laws and narratives and compare them to the typologies found in ancient Near Eastern law. I argue that both biblical law and narrative share a common denominator in that only homicide caused by direct physical assault is subject to legal action. Biblical narratives show characters utilizing this loophole in the law to evade punishment and differentiating between legal culpability and ethical responsibility, phenomena we would not be aware of except for narrative texts. The laws manifest a struggle to distinguish between intentional and accidental homicide.

The biblical texts lay out different criteria for determining responsibility, a presentation that appears to reflect the dilemmas of an actual court, whereas the ancient Near Eastern texts reflect scribal conventions divorced from court procedure. For the Bible, justice is grounded in actual cases, in the gray areas that make the determination of justice difficult. For cuneiform law, justice is abstract: It is articulated in conventional cases that shy away from complexity. The ancient Near Eastern law collections share more than this: I demonstrate that they are part of a common literary tradition in which a certain number of conventional cases make up the repertoire from which an author then composes his own variations. What is striking about the difference between biblical and ancient Near Eastern law is that the ancient Israelites actually used the conventional cases common to ancient Near Eastern law while reworking them in an Israelite idiom. I argue that the presence of certain highly unusual and specific cases of homicide in biblical law and ancient Near Eastern law collections show that biblical law was related to a common literary tradition of law because the differences between the two are at times of the same magnitude as the differences between the ancient Near Eastern law collections themselves. Other scholars have claimed that the similarities are due to the biblical jurist actually having a copy of ancient Near Eastern law collections in front of him or that there was a common legal practice used extensively but rarely put into writing throughout the ancient Near East. I attempt to demonstrate that particular statutes on homicide in biblical law are part of the ancient Near Eastern literary tradition of writing formal law.

The chapter concludes with two appendixes. The first examines and dismisses the claim that the principle that only intentional homicide merits the death penalty is a later development in biblical law. The second analyzes whether the biblical principle that only an individual who kills another human being by direct means is subject to legal action is applied in cuneiform law.

Chapter Six addresses *lex talionis*, "an eye for an eye," perhaps the most controversial citation from the Bible. Capital punishment was the rule for killers because the Bible holds that the punishment must be similar to the