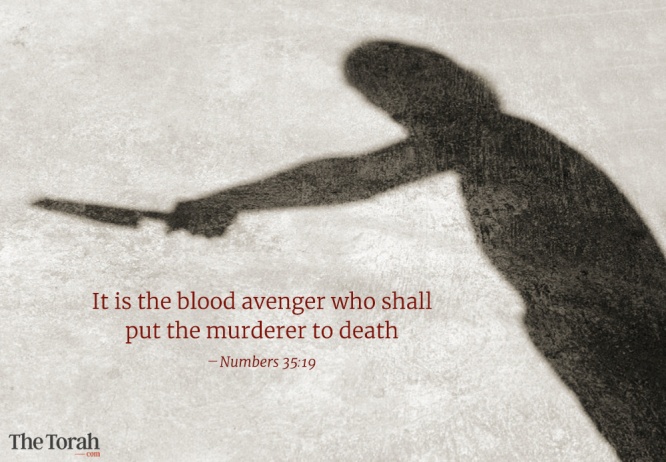
Dr. Yigal Bloch

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Blood Vengeance in Ancient Near Eastern Context

The Torah allows kin to take vengeance on a murderer; in cases of manslaughter, the killer is offered sanctuary at a refuge city. These laws highlight the struggle to limit clan justice in ancient Israel, a challenge found centuries earlier among the northern Amorites, as detailed in several letters to King Zimri-Lim of Mari.

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Laws in the Torah and in Mesopotamia

From Hellenistic Jewish literature through modern times, Moses was considered to be the first lawgiver.[1] This changed when, in 1901, a black stone stele inscribed with the laws of Hammurapi,[2] king of Babylon (1784–1742 B.C.E.),[3] was discovered in the French excavations at the ancient city of Susa in southwestern Iran—where it had been brought as booty after the Elamite invasion of Babylon ca. 1153 B.C.E.[4]

Scholars quickly recognized both the similarities and differences between the Laws of Hammurapi and the collections of laws in the Pentateuch, especially those in the Covenant Collection in Exodus, and it became clear that the Torah’s laws are best understood in the context of ancient Near Eastern laws.[5]

Our understanding of law collections in the ancient Near East became more nuanced upon the discovery and publication of the Laws of Ur-Nammu of Ur and Laws of Lipit-Ishtar of Isin (Sumerian, 21st–20th cent. B.C.E.), and the Laws of Eshnunna (Akkadian, 18th cent. B.C.E.) and Middle Assyrian Laws (Akkadian, 12th cent. B.C.E.), among others.[6]

In the summer of 2010, fragments of one or two tablets inscribed with laws in Akkadian and dated to the Middle Bronze Age (ca. 2000–1550 B.C.E.) were discovered in the excavations of Hazor. This furnished a clear proof, if any was needed, that Mesopotamian law collections were known and copied in Canaan before the emergence of ancient Israel.[7]

The Value of Human Life

Comparisons between biblical laws and ancient Near Eastern laws often demonstrate significant overlap, while at the same time, highlighting differences of emphasis or even substance.

Death Penalty for Murder

Biblical law prescribes death for murder.[8] For instance, the Covenant Collection, usually considered to be Israel’s earliest law collection, notes:

שמות כא:יב מַכֵּה אִישׁ וָמֵת מוֹת יוּמָת.

Exod 21:12 He who fatally strikes a man shall be put to death.

Here, biblical law is like other ancient Near Eastern law collections,[9] which also prescribe the death penalty for murder. For instance, the first law in the Laws of Ur-Nammu states:

Ur-Nammu §1 If a man commits a homicide, they shall kill that man.[10]

No Vicarious Punishment

The Torah emphasizes that each person must bear responsibility for his or her own crimes, and that *each* human life has a unique value of its own:

דברים כד:טז לֹא יוּמְתוּ אָבוֹת עַל בָּנִים וּבָנִים לֹא יוּמְתוּ עַל אָבוֹת אִישׁ בְּחֶטְאוֹ יוּמָתוּ.

Deut 24:16 Fathers shall not be put to death for sons, nor sons be put to death for fathers: a man shall be put to death only for his own crime.

Contrary to biblical law, however, ancient Near Eastern legal texts allow for vicarious punishment – i.e., the punishment of one or more of the culprit’s relatives instead of the culprit himself.[11] Noting this difference, Moshe Greenberg (1928–2010) of the Hebrew University of Jerusalem argued that the Torah’s criminal law rests on the assumption that human life has a unique value.[12]

This principle, however, finds expression in ancient Mesopotamian thought as well, but only in the realm of mythical narrative. Thus, a mid-first millennium BCE manuscript of the flood story in the myth of Atrahasis and the flood narrative in Tablet XI of the Standard Babylonian Epic of Gilgamesh, both contain the couplet addressed to the chief god Enlil: “Make the criminal (alone) bear his crime! Make the evil-doer bear his wrong-doing!” This is adduced in these myths to explain that in the future, Enlil should not bring another flood to destroy all of humankind, including those who are not guilty.[13]

No Monetary Compensation for the Murderer or the Manslaughterer

A related judicial principle of biblical law, also noted by Greenberg, is the rejection of monetary compensation to replace capital punishment:

במדבר לה:לא וְלֹא תִקְחוּ כֹפֶר לְנֶפֶשׁ רֹצֵחַ אֲשֶׁר הוּא רָשָׁע לָמוּת כִּי מוֹת יוּמָת.

Num 35:31You may not accept a ransom for the life of a murderer who is guilty of a capital crime; he must be put to death.

This prohibition extends even to manslaughter, for which the punishment is not execution but exile to a city of refuge:

במדבר לה:לב וְלֹא תִקְחוּ כֹפֶר לָנוּס אֶל עִיר מִקְלָטוֹ לָשׁוּב לָשֶׁבֶת בָּאָרֶץ עַד מוֹת הַכֹּהֵן.

Num 35:32 Nor may you accept ransom in lieu of flight to a city of refuge, enabling one to return to live on his land before the death of the priest.

The idea that it is problematic to take a ransom to let a killer go finds parallel in the situation described in a letter sent to King Zimri-Lim of Mari on the Middle Euphrates, in the early years of his reign (1766–1763 B.C.E.), by Iddin-annu, a district governor in the Middle Euphrates valley.[14] The letter concerns a certain man who kidnapped another man’s brother and sold him away into slavery. The crime was deemed worthy of capital punishment (compare Exodus 21:16), and Iddin-annu seized the culprit in order to send him to Zimri-Lim for judgment.

A brother of the culprit proposed an alternative: “Let my brother not be sent to the king; I can pay you silver,” to which Iddin-annu replied indignantly: “Will silver be paid in a capital case? Silver?” (lines 25–29). Eventually, the culprit managed to escape, so that Iddin-annu had to seize his relatives and send one of them to Zimri-Lim instead of the culprit himself (again, vicarious punishment). The contempt Idinn-annu expresses for the suggestion that he take silver in place of punishment fits the spirit of the biblical text.

The letter to Zimri-Lim shows that in Mari, the king had authority over capital punishment.[15] In the book of Numbers the assembly (הָעֵדָה) has this authority.

*Goʾel HaDam*, Blood Avenger

According to Numbers 35, the assembly must decide whether a killing was premeditated or unintentional. They make this determination based on the tool responsible for the killing[16] and whether the killer was known to bear a grudge against the victim.[17] And yet, if the person is found guilty of premeditated murder, it is not the court who executes him but the גֹּאֵל הַדָּם, *gōʾēl had-dām*, “the redeemer of the blood,” i.e., the relative who will take revenge on the person who killed his relative by killing him:

במדבר לה:יטגֹּאֵל הַדָּם הוּא יָמִית אֶת הָרֹצֵחַ בְּפִגְעוֹ בוֹ הוּא יְמִתֶנּוּ.

Num 35:19 The blood-avenger himself shall put the murderer to death; it is he who shall put him to death upon encounter.[18]

In such cases the court, apparently, washes its hands of the killer and leaves him to his fate. Moreover, if the assembly determines that it was manslaughter, the person is not simply acquitted, but the assembly must place him in the nearest city of refuge where he must stay until the death of the high priest:

במדבר לה:כה וְהִצִּילוּ הָעֵדָה אֶת הָרֹצֵחַ מִיַּד גֹּאֵל הַדָּם וְהֵשִׁיבוּ אֹתוֹ הָעֵדָה אֶל עִיר מִקְלָטוֹ אֲשֶׁר נָס שָׁמָּה וְיָשַׁב בָּהּ עַד מוֹת הַכֹּהֵן הַגָּדֹל אֲשֶׁר מָשַׁח אֹתוֹ בְּשֶׁמֶן הַקֹּדֶשׁ.

Num 35:25 The assembly shall protect the manslayer from the blood-avenger, and the assembly shall restore him to the city of refuge to which he fled, and there he shall remain until the death of the high priest who was anointed with the sacred oil.[19]

In both cases, whether convicted or acquitted, the blood avenger wants to kill the person. The set of laws about murder is aimed at helping society navigate this challenge:

לה:כד וְשָׁפְטוּ הָעֵדָה בֵּין הַמַּכֶּה וּבֵין גֹּאֵל הַדָּם עַל הַמִּשְׁפָּטִים הָאֵלֶּה.

35:24 The assembly shall decide between the slayer and the blood-avenger in these cases.

In the case of murder, the assembly lets the blood-avenger have his way; in the case of manslaughter, not only the assembly, but Israelite society as a whole, must act to protect him from the blood-avenger by designating safe cities.

Clan Justice versus State Justice

Blood vengeance is a form of justice in which the family or clan of the deceased has the right to punish the assailant. Such behavior likely originated in pre-state societies in which clans needed to maintain an equilibrium of power in which injury to one family is compensated by a comparable injury to the offending group. But such responses continued long after the emergence of states— they still exist in some societies nowadays—when the local clans are unwilling to submit to the central authority in this regard. This seems to be the case for biblical society.

In the period that the Pentateuch was composed, Israelite/Judahite society was ruled by a king or, in the Persian period, a governor and a high priest. And yet, clearly, the leaders needed to deal with the clans, who still felt that they had the right to take revenge on whoever killed their relative. Thus, the laws here represent a compromise between the idealized Israelite society, with judgments made by an objective third-party, and clannish justice, in which the blood avenger hunts down the killer and takes revenge.

Part of this compromise is the building of refuge cities for the manslayer which, in addition to protecting his life, punishes unintentional killers by forcing them to live in exile for an extended period, thus calming the tempers of the offended clan. If the person leaves early, it is assumed that society will not be able to offer protection, and the blood avenger will act:

לה:כו וְאִם יָצֹא יֵצֵא הָרֹצֵחַ אֶת גְּבוּל עִיר מִקְלָטוֹ אֲשֶׁר יָנוּס שָׁמָּה. לה:כזוּמָצָא אֹתוֹ גֹּאֵל הַדָּם מִחוּץ לִגְבוּל עִיר מִקְלָטוֹ וְרָצַח גֹּאֵל הַדָּם אֶת הָרֹצֵחַ אֵין לוֹ דָּם.

35:26But if the manslayer ever goes outside the limits of the city of refuge to which he has fled, 35:27and the blood-avenger comes upon him outside the limits of his city of refuge, and the blood-avenger kills the manslayer, there is no bloodguilt on his account.

Thus the laws in Numbers leave intact the existence of clannish blood-revenge, while regulating it so that it does not conflict with the ethical legal principles of Israelite society as reflected more broadly in the law collections.

Blood Guilt and Blood Revenge in Northern Mesopotamia

Blood vengeance is also found in northern Mesopotamia.[20] The Middle Assyrian Laws, from the city of Assur in the 12th century B.C.E., note that a man has the right to avenge a murdered relative by killing the killer, or he can just take payment, including one of the killer’s children if nothing else is available:

[If either] a man or a woman enters [another man’s] house and kills [either a man] or a woman, [they shall hand over] the manslayers [to the head of the household]: if he so chooses, he shall kill them, or if he chooses to come to an accommodation, he shall take [their property]; and if there is [nothing of value to give from the house] of the manslayers, either a son [or a daughter . . .][21]

Unlike the Torah, the Middle Assyrian Laws make no distinction between premediated murder and accidental manslaughter. The option of monetary compensation puts Assyrian law in opposition to the norms of the Amorite tribes that inhabited the region some six centuries earlier, who looked askance at such an option, as we read in another letter to King Zimri-Lim of Mari.[22]

A Case of Blood-Vengeance in Ancient Andarig

Yasim-El, Zimri-Lim’s envoy in the kingdom of Andarig, south of the Sinjar mountains (now in northwestern Iraq),[23] wrote to Zimri-Lim that a certain young man from the neighboring kingdom of Kurda, was held captive in Andarig by a brother of a military officer named Yahun-El. The man’s father wanted to redeem him but lacked five shekels of silver out of the thirty shekels which the captor demanded. In a strange twist, when the father went back to Kurda to fetch more silver, the captor died suddenly in his home. Yasim-El suggests that perhaps the man’s gods killed him or maybe he just had a heart attack, but the captor’s brothers accused the captive of having murdered his captor.

When Himdiya, the ruler of Andarig, came back to the city, he handed the captive over to the captor’s brothers for vengeance (*niqmum*).[24] Before doing so, Himdiya sent a letter to the king of Kurda, who was named Hammurapi (like his famous Babylonian contemporary), but the brothers of the deceased, headed by Yahun-El, refused to wait for a reply. Instead, they took the captive out for execution.

Yasim-El writes that he tried to prevent the execution, but was not successful:

I begged Himdiya (lit., “seized his hand”) – but he would not assent – [saying,] “Should I hold [in hand] 100 shekels of silver [for] this man, [I would still kill] him. Yahun-El, who has suffered, [should] kill [this man]” (lines 32–36).

In the following lines of the letter, Yasim-El details the brutal way in which the alleged culprit was killed—they pierced his nose and ran a rope through it, pierced his thighs, skinned his chest, cut off his ears, and dragged him around the city 30 times. Blood vengeance was clearly a personal matter and not a simple state execution.

Himdiya’s decision to allow Yahun-El to exact blood vengeance was rushed, but it illustrates two points: First, in contrast to the Middle Assyrian Laws, Himdiya was appalled by the possibility of a monetary payment in lieu of the execution of the culprit, something we noted in the letter to Zimri-Lim discussed above. Second, Yahun-El, the deceased’s relative, is the one who should kill the captive, following the principles of blood revenge.

Here we see that the local king supported the blood-avenger, that the neighboring king, Hammurapi of Kurda—where the victim was from—was ignored, and the emissary of the overlord king, Zimri-Lim, was powerless to overrule the local king and stop the blood avenger. Although the kingdoms of ancient Mesopotamia are often perceived as absolutist regimes in which the king could rule as he pleased—the common image of oriental despotism—in practice, the power relations were much more complicated.

Struggling to Control Justice

Like the Israelites centuries later, the Northern Mesopotamian Kings struggled to take full control over judicial decisions involving murder but were unsuccessful. The biblical institution of the refuge city, and the allowance for the clan representative to do the actual killing in the case of a guilty verdict, was the Israelite lawgiver’s way of finding a modus vivendi, which would allow the clans to feel empowered while keeping the final decisions in the hands of the state and its institutions.

[View Footnotes](https://www.thetorah.com/article/blood-vengeance-in-ancient-near-eastern-context)

1. This piece is based on Yigal Bloch and Nathan Wasserman, בין דם לדמים בחוקי המקרא ובמכתבי מארי [“Blood Guilt and Monetary Compensation in Biblical Laws and in Mari Letters”] *Beit Mikra* 66.1 (2021): 7–32.
2. Whether the king’s name should be read Hammurapi or Hammurabi has long been debated, uncertainty being due to the polyphonic nature of the Mesopotamian cuneiform script, in which the sign *bi* can be also read *pi*2.However, since the late 1990s evidence has become available which points to the reading Hammurapi – most importantly, spellings from southern Babylonia employing the sign *pi*, which is unambiguous in this context. See Nathan Wasserman and Yigal Bloch, *האמורים: מסופוטמיה בראשית האלף השני לפנה"ס* [*The Amorites: Mesopotamia in the Early Second Millennium BCE*] (Jerusalem: Carmel, 2019), 18­–19 [n. 13].
3. The regnal dates of Hammurapi are specified in accordance with the Lower Middle Chronology, reduced by eight years with regard to the more commonly used Middle Chronology. The arguments in favor of the Lower Middle Chronology are provided in Wasserman and Bloch, *The Amorites*, 102–110.
4. Editor’s note: For a discussion of the early reception of the Laws of Hammurapi, see, Felix Wiedemann, [“Did the Discovery of Hammurabi’s Laws Undermine the Torah?”](about:blank) *TheTorah* (2021).
5. The debate concerning the scope and historical context of that influence has been going on ever since; for a survey of recent studies dealing with this question, see William Morrow, “Legal Interactions: The Mišpāṭîm and the Laws of Hammurabi,” *Bibliotheca Orientalis* 70 (2013): 309-331; see also Samuel Greengus, *Laws in the Bible and in Early Rabbinic Collections* (Eugene, Or.: Cascade Books, 2011).
6. An accessible edition of the Mesopotamian law collections, with an English translation, was published by Martha T. Roth, *Law Collections from Mesopotamia and Asia Minor*, second edition, Writings from the Ancient World 6 (Atlanta: Society of Biblical Literature, 1997). A Hebrew translation of the law collections and related material, with extensive commentary, was published by Meir Malul, *קובצי הדינים ואוספים משפטיים אחרים מן המזרח הקדום* [Law Collections and Other Legal Compilations from the Ancient Near East] (Haifa: Pardes, 2010).
7. Wayne Horowitz, Takayoshi Oshima and Filip Vukosavović, “Hazor 18: Fragments of a Cuneiform Law Collection from Hazor,” *Israel Exploration Journal* 62 (2012): 158–176.
8. The root ר.צ.ח is about purposeful or premediated murder, not unintentional manslaughter, which we will discuss shortly. Editor’s note: See discussion in Marty Lockshin, [“Does the Torah Differentiate Between Murder and Killing?”](about:blank) *TheTorah* (2016).
9. Although these collections are sometimes referred to as law codes – e.g., Codex Hammurapi – this terminology is not quite proper, since none of them is a coherent hierarchically structured body of prescriptive legal statements intended to serve as a practical foundation for the system of justice. Rather, the cuneiform legal assemblages were collections of judgements or royal decisions, reused by the court scribes to prove to the gods and men that their royal sponsors exercised justice as was expected of a Near Eastern king.
10. Roth, *Law Collections*, 17.
11. Perhaps the most famous example of this principle appears in paragraphs 239–240 of the Laws of Hammurapi: “If a builder constructs a house for a man but does not make his work sound, and the house that he constructs collapses and causes the death of the householder, that builder shall be killed. If it should cause the death of a son of the householder, they shall kill a son of that builder” (Roth, *Law Collections*, 125).
12. Moshe Greenberg, “Some Postulates of Biblical Criminal Law,” in *Yehezkel Kaufman Jubilee Volume*, ed. Menaḥem Haran (Jerusalem: Magnes, 1960), 5–28. Greenberg’s view was criticized by Bernard S. Jackson, “Reflections on Biblical Criminal Law,” *Journal of Jewish Studies* 24 (1973): 8–38; and see Greenberg’s reply to this criticism in Moshe Greenberg, “More Reflections on Biblical Criminal Law,” in *Studies in Bible, 1986*, ed. Sarah Japhet, Scripta Hierosolymitana 31 (Jerusalem: Magnes, 1986), 1–17.
13. Nathan Wasserman, *The Flood: The Akkadian Sources*, Orbis Biblicus et Orientalis 290 (Leuven: Peeters, 2020), 100–101, 113, 119.
14. This letter, A.697, was published by Jean-Marie Durand, “Si ce n’est toi, c’est donc ton frère. . .,” in *From Mari to Jerusalem and Back: Assyriological and Biblical Studies in Honor of Jack Murad Sasson*, ed. Annalisa Azzoni et al. (University Park, Penn.: Eisenbrauns, 2020), 118-124. A Hebrew translation can be found in Bloch and Wasserman, "בין דם לדמים" [“Blood Guilt and Monetary Compensation”], 12–13.
15. The same principle is stated explicitly in the Laws of Eshnunna, paragraph 48 (Roth, *Law Collections*, 66).
16. If the person was killed with an iron, stone, or wooden tool, i.e., one used for assault, then it is reasonable to assume that the blow was premeditated, and the culprit must be considered a murderer (vv. 16–18). If, in contrast, the person was hit with some object not generally used as a weapon (like a stone), then the killing is said to be manslaughter (vv. 22–23).
17. The Torah first notes the importance of malice as a factor (vv. 20–21), in contrast to someone who bore no grudge and the attack does not seem premeditated (vv. 22–23).
18. This is repeated a few verses later:

במדבר לה:כא ...גֹּאֵל הַדָּם יָמִית אֶת הָרֹצֵחַ בְּפִגְעוֹ בוֹ.

Num 35:21 … The blood-avenger shall put the murderer to death upon encounter.

1. In addition to being the long-term home of people convicted of manslaughter, the city also functions as a kind of jail, protecting the killer from being killed before the trial:

במדבר לה:יא וְהִקְרִיתֶם לָכֶם עָרִים עָרֵי מִקְלָט תִּהְיֶינָה לָכֶם וְנָס שָׁמָּה רֹצֵחַ מַכֵּה נֶפֶשׁ בִּשְׁגָגָה. לה:יב וְהָיוּ לָכֶם הֶעָרִים לְמִקְלָט מִגֹּאֵל וְלֹא יָמוּת הָרֹצֵחַ עַד עָמְדוֹ לִפְנֵי הָעֵדָה לַמִּשְׁפָּט.

Num 35:11 You shall provide yourselves with places to serve you as cities of refuge to which a manslayer who has killed a person unintentionally may flee. 35:12 The cities shall serve you as a refuge from the avenger so that the manslayer may not die unless he has stood trial before the assembly.

1. Cuneiform law collections stemming from southern Mesopotamia (Babylonia) do not acknowledge the practice of blood revenge. Generally, the role of the tribal elements in political activity was stronger in the northern part of Mesopotamia, away from the old urban centers of the south, and it was probably the strongest in the major kingdoms of the Sinjar region – Kurda, populated mainly by the Numha tribal group, and Andarig, populated mainly by the tribal group known as Yamutbal. Part of this group had migrated to the south, and formed an important element in the kingdom of Larsa near the shore of the Persian Gulf. For a more general comparison of the tribal norms and institutions in Amorite Mesopotamia and in ancient Israel, see Abraham Malamat, *Mari and the Early Israelite Experience* (Oxford: Oxford University Press, 1989), 27–52.
2. Middle Assyrian Laws, Tablet A, paragraph 10 (Roth, *Law Collections*, 157). A similar situation is envisioned in Middle Assyrian Laws, Tablet B, paragraph 2 (ibid., 176). Although several parts of the text are broken, they can be restored with sufficient confidence.
3. In the period covered by the cuneiform archives from 18th century B.C.E. Mari, the complex nature of Mesopotamian politics was due largely to the fact that a considerable part of the local kingdoms’ population, as well as their ruling elites, belonged to tribes, that is, to units organized on the principles of descent, real or imagined. Some of the tribal units, although not all of them, were nomadic (or, more precisely, semi-nomadic, since long-range nomadism was impossible before the domestication of the camel), and their geographical extent did not always coincide with the political boundaries of the kingdoms. The tribal elements belonged to a population which had migrated to Mesopotamia from the west in the third millennium B.C.E. and was known by the Akkadian term for the west – *Amurru* (now commonly called Amorites, on the basis of the biblical designation for one of the native peoples of Canaan that stems from the same ancient term). On the role of the tribal elements in the Mesopotamian politics of the time, see Daniel E. Fleming, *Democracy’s Ancient Ancestors: Mari and the Early Collective Governance* (Cambirdge, UK: Cambridge University Press, 2004); Adam E. Miglio, *Tribe and State: The Dynamics of International Politics and the Reign of Zimri-Lim*, Gorgias Studies in the Ancient Near East 8 (Piscataway, NJ: Gorgias Press, 2014); Wasserman and Bloch, *The Amorites*, 40-88.
4. The letter, A.3680, dates probably to the 13th regnal year of Zimri-Lim (1754/3 B.C.E.). It was published by Jean-Marie Durand, “La vengeance à l’époque amorrite,” in *Recueil d’études à la mémoire d’André Parrot*, ed. Dominique Charpin and Jean-Marie Durand, Florilegium Marianum 6, Mémoires de NABU 7 (Paris: SEPOA, 2002), 39-50. An English translation is in Jack M. Sasson, *From the Mari Archives: An Anthology of Old Babylonian Letters* (Winona Lake, In.: Eisenbrauns, 2015), 230. For a Hebrew translation, see Bloch and Wasserman, “Blood Guild and Monetary Compensation,” 15–16.
5. The term is cognate to Hebrew נקמה (*neqama*), “vengeance.”