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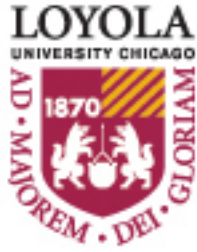
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familiar with Homer, but also remain tied to the lifesaving mast of the cross (*Ad adolescentes* 4.10–11). For Basil, truth is the decisive criterion by which the values of the Homeric narratives should be judged. Plato had handled Homer's epics similarly (*Resp.* 2.376c–398b; 10.595a–608b). Consequently, Alexandrian interpreters found in allegory a method by which to understand the myths as veiled expressions of deeper meaning. This method, first tested on Homer, led some Christians to understand the parables of Jesus also as carriers of veiled truths that the interpreter could then translate out of the Jewish tradition and into Christian thought (cf. Niehoff 2011 and 2012 on the reception of this method by Philo of Alexandria).

Based on the importance of Homer as a school textbook and as the core of general education in the Greco-Roman world, some have asked whether Homer had any influence on the authors of the NT. Quotations that would offer clear indication of knowledge of Homer in the NT are missing (Bartelink: 126), and the first verbatim reference to Homer is not found until Justin Martyr (*1 Apol.* 18.5). Advocates of "Mimesis Criticism" argue for more extensive comparison with Homeric texts, claiming that NT narrative texts owe more to Homer than to historical events. Extensive lists of alleged parallels form the backbone of this discussion. The relevant passages present Jesus as exceeding the Homeric heroes in significance (transvaluation). Dennis R. MacDonald reads the *Acts of Andrew* essentially as a Christian Odyssey (2003). Mark's passion narrative, too supposedly follows the wandering and testing of Odysseus by employing the plot pattern of the righteous one wrongly persecuted (*Od.* 1.45–79; Auffarth 1991: 378). "Mimesis Criticism" has been challenged for its loose parallels and also for neglecting the role of the OT in early Christian text composition.

Nevertheless, even if direct quotations are lacking, a Greek education influenced by Homer can still be presumed for educated Hellenistic authors like Paul and Luke. Homeric phraseology is most likely found in Acts 27:41. When Paul characterizes himself as one who has "become all things to all people" (1 Cor 9:22 τοῖς πᾶσιν γέγονα πάντα), he is not far from the characterization of Odysseus as πολύτροπος (in any case, Gregory of Nazianzus sees the connection, *Carmina* 2.728–30). The anthropomorphic god who visits the people in Acts 14:8–18 is only made comprehensible by scenes from Homer. Further, Paul must have learned the γυμνὸς κόκκος (1 Cor 15:37) of the *Homeric Hymn to Demeter* from his Corinthian converts.

Eudocia's *Homeric Centones* (4th cent. CE) is a full-fledged example of Jesus stories set in Homeric hexameter. Lines from the epics are stitched together to form a new text, a Homeric gospel. With regard to content, they are Jesus stories, while Ho-

mer provides the words, style and rhythm in this extreme example of intertextuality. Nonnus of Panopolis (5th cent. CE), the author of the *Dionysiaca*, a monumental epic of forty-eight books (thus just as many as Homer's *Odyssey* and *Iliad* together), is also the author of a *Paraphrase of the Gospel of John* (μεταβολὴ τοῦ κατὰ Ἰωάννην εὐαγγελίου ἀγίου) in epic hexameter.

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Christoph Auffarth and Karl Olav Sandnes

See also → Allegory

## Homicide

- I. Ancient Near East and Hebrew Bible/Old Testament
- II. New Testament
- III. Judaism
- IV. Christianity
- V. Islam
- VI. Literature
- VII. Film

### I. Ancient Near East and Hebrew Bible/Old Testament

Homicide, the unlawful killing of a human being, is addressed in biblical texts in a number of legal passages (Exod 21:12–14; Num 35:9–34; Deut 19:1–13) and in the Decalogue (Exod 20:13; Deut 5:17) and is featured in several narratives, principally Cain and Abel (Gen 4:1–16), the flood story (Gen 9:5–6), the Joseph novella (Gen 37:18–22), and David and Bathsheba (2 Kgs 11–12). It is unclear whether the legal texts reflect actual law or were supposed to have legislative effect.

While all three passages in the legal corpora of the Bible agree on a distinction between intentional

and accidental killing, they offer differing criteria for determining whether a slaying was intentional or accidental. (Exod 21:12–14; Num 35:9–34; Deut 19:1–13). In fact, Num 35 contains two conflicting sets of criteria: one set of criteria bases the distinction on the type of instrument used to cause the fatal blow (Num 35:16–18), while the other set depends on determining the state of mind of the killer (Num 35:20–23). The first set holds that any kind of iron tool and only the types of wooden or stone tools sufficient to cause death are considered a satisfactory indication of whether the killer acted with intention. The second set holds that it must be determined whether the blow was done in hatred. Deuteronomy 19:4–5; 11–12 offers different criteria: it determines that a killing was intentional based on whether there was a hostile relationship in the past between the victim and the killer. Exodus 21:14 understands accidental homicide as an act caused by God rather than a human being.

The remedy for homicide operated via blood feud. A member of the victim's family, *gō'el ha-dām*, meaning "the blood redeemer" but often translated as "blood avenger," had the right and the responsibility to kill the slayer with impunity. The only legal way a slayer could claim that a homicide was accidental was to flee and seek refuge at a place of refuge: this put a hold on the right of the blood avenger to kill the slayer on sight and served to initiate a trial to determine whether the slayer did indeed kill accidentally. Left unmentioned was how the blood avenger would be able to identify the killer if there were no witnesses to the killing or if the witnesses gave conflicting testimony. Both Num 35 and Deut 19 depict a process of adjudication in which a national (or perhaps a local) assembly (Num) or elders from the killer's hometown (Deut) served as judges.

Bloodguilt devolved on both the intentional and accidental slayer due to the defiling aspects of the unlawfully spilled blood. Ritual impurity was incurred when the homicide occurs, since the blood itself was a defiling substance, but since blood was also a purifying substance, the slaying of the intentional killer removed the impurity. In the case of the accidental killer, he remained in the city of refuge until the death of the high priest, an Israelite who served as a symbol for the Israelites before God and whose death expiated the accidental killer (Greenberg). Ethical impurity was also incurred when a homicide takes place (Klawans). The Israelites were duly warned that an unpunished killing would defile them and/or the Land of Israel. The town that lay closest to the spot at which a murdered corpse was found was required to perform a ceremony to remove the impurity of the spilled blood (Deut 21:1–9).

Debate has arisen with regard to the development of the places of refuge. A number of scholars

have argued that the institution of asylum originated in the sanctity associated with an altar, a sanctity that protected those who sought asylum from harm (Löhr; Nicolosky). Some of the narratives depicting altar asylum specify that the refugees held onto the horns of the altar (1 Kgs 1:49–53; 2:28–34). A number of the towns associated with the Levites, distinguished from other Levites for their special duties in the sacred realm, became towns of refuge, an extension of altar asylum. However, it is questionable as to why a killer, impure from the spilling of blood, whether intentional or accidental, would be allowed to touch an altar or even be allowed near a sacred object like an altar (Barmash: 78–85). Furthermore, the narratives that depict those seeking refuge at an altar or sacred site do not identify them as killers but as political refugees (Barmash: 72–74).

Three specific cases are mentioned in the Bible, the master killing his own slave (Exod 21:20–21), the pregnant woman assaulted (Exod 21:22–25), and the goring ox (Exod 21:28–36). The latter two are mentioned in ancient Near Eastern law outside the Bible, but the former is not since the other ancient Near Eastern statutes deal only with assault on another person's slave (Westbrook). The laws on the assault on the pregnant woman have presented interpretive difficulties for millennia since it is not clear whether they deal with premature birth, miscarriage, or the death of the pregnant woman and whether the penalty is to be decided by the husband or others. In this passage and in Lev 24:17–22, lex talionis appears. It expresses the principle of equivalence in penalty between the assault and the punishment for the assault (Frymer-Kensky). Legal and cultural norms determine whether the equivalence is expressed in the same injury as inflicted or in the same degree of severity (Barmash). The death penalty for the ox who has fatally gored a human being has been explained by Moshe Greenberg as due to the objective guilt of the ox: even though the ox does not have cognizance, the ox is deemed responsible because of the absolute value of the human life that was ended. Jacob J. Finkelstein explained that the ox is subject to stoning because its act has violated the biblical hierarchy in which there is an absolute distinction between human beings and animals.

The laws on homicide elsewhere in the ANE are not as comprehensive as the laws in the Bible. Homicide appears in a single statute in the Laws of Ur-Nammu (statute 1) but does not appear in the extant Laws of Lipit-Ishtar. The Laws of Hammurabi presents the case of a false accusation of homicide in a series of laws dealing with legal procedures (statute 1). The case of the pregnant woman assaulted appears in the Laws of Lipit-Ishtar d-f, a Sumerian Laws Exercise Tablet 1–2, and the Laws of Hammurabi 209–14, and the penalty is differenti-

ated based on the status of the woman, whether free or slave, and on whether the assault was intentional or accidental. The case of the goring ox appears in the Laws of Eshnunna (statutes 53–55) and the Laws of Hammurapi (statutes 250–52), but the Laws of Eshnunna extend beyond the goring ox to include the vicious dog and the tottering wall (statutes 56–58). Cases of homicide also appear in legal documents from the ANE outside of ancient Israel, reflecting the central role of the king and government in adjudicating homicide, with the partial exception of the legal documents from Neo-Assyria (Roth 1987). Except for the Hittite Laws and biblical law, there is a general lack of concern with issues of impurity in the adjudication of homicide (Barmash).

The relationship of biblical law to the law elsewhere in the ancient Near East has been the subject of debate. Westbrook argued that there was a single common law throughout the ANE and that even if a specific law mentioned only one kind of penalty for a fatal assault, either compensation or capital punishment, both penalties were in force. Others have argued for a more nuanced relationship (Barmash; Otto).

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Pamela Barmash

## II. New Testament

In the NT depriving a person of life by illegally and intentionally killing them is primarily referred to by the verb φονεύω (kill, murder) and the cognate noun φόνος (killing, murder). While both words at times have a metaphorical meaning (e.g., the exploitation of someone), actual homicides may in turn be figuratively referred to by the idioms of the pouring out of blood (Matt 23:30; 23:35; Rom 3:15) or death by the sword (Heb 11:37). In the

Johannine writings the strong term σφάξω (slaughter) is used to refer to Cain’s fratricide (1John 3:12), the crucified Christ (Rev 5:6) and Christian martyrs (Rev 18:24).

References to homicide in the NT occur as commentary on the sixth commandment of the Decalogue, references to actual murders, and examples of evil in vice lists, while it is also used metaphorically for the exploitation of others.

Unlike Israel in the HB/OT, the early Christian movement had no legal jurisdiction and therefore did not produce a specific corpus of criminal laws. The punishment for committing homicide which Matt 5:21 and Rev 21:8 anticipates is, e.g., not performed by legal bodies, but by God at the last judgment. The NT does, however, contain numerous references to the sixth commandment of the Decalogue (Exod 20:13 [LXX 20:15]; Deut 5:17 [LXX 5:18]) which prohibits all transgression against human life. Matthew 5:21–26 extends the Mosaic teaching on homicide, which had apparently been interpreted as only being applicable to criminal law (cf. Exod 21:12–14; Lev 24:17; Num 35:30–31), to include anger and acrimony. This may be a deliberate echo of the story of Cain, but it is important to note that anger is not only prohibited because it leads to murder. According to Jesus, it is in itself deserving of condemnation. Every expression of human alienation and hostility towards another, the outward act and the inward state, is to be condemned as they are all the negation of the love commandment. James 2:11 refers to the sixth commandment in order to argue for the unity of the law. As an expression of God’s will, any commandment like the one prohibiting murder that is broken, violates his will as the lawgiver.

In the Gospel according to John, Jesus repeatedly accuses his enemies of plotting to kill him (7:19; 8:37, 40). According to John, their intention to murder Jesus was ultimately inspired by the Satan himself (13:2, 27) as it is he, and not Abraham (8:44), who is their true father. The devil himself is furthermore described as being a murderer from the beginning (ἀνθρώπουκτόνος ἢν ἀπ’ ἀρχῆς). This could be a reference to either the fall narrative (Gen 3) or the first murder committed by Cain (Gen 4). The devil is thus either the one who brought death into the world through his seduction of Adam and Eve, and who is therefore the murderer of all of humanity, or the one who inspired the first murder like he did the plot to murder Jesus. In 1John 3:12–15 the link between the murder of Abel by Cain, and the latter’s relationship to the evil one (ἐκ τοῦ πονηροῦ), is made explicit. Hating (μισέω) a brother is also equated with murdering him with the result that neither would inherit eternal life.

In terms of actual homicides, Matt 23:30–35 refers to the persecution and murder of the OT prophets (cf. 1Kgs 19:10, 14; Neh 9:26; Jer 2:30;

26:20–24) in general and specifically to the murder of Zechariah, son of Barachias, in the temple. This is probably a reference to the priest Zechariah, who was stoned after he had spoken prophetically in 2 Chr 24:20, since there is no extant tradition of the prophet Zechariah being murdered in the temple. If the priest Zechariah is intended by Matthew it could be that he is referring to the first (Abel) and the final (Zechariah) murders mentioned in the OT since 2 Chronicles was the last book in the HB. In Mark 15:7 (par. Luke 23:19) φόνος refers to murder committed by either Barabbas, or his followers. Unlike the parallel in Luke 23:19–25 (and Acts 3:14), Mark does not clearly state that Barabbas had personally committed murder. Acts 9:1 also contains an idiom, “breathing murderous threats,” that highlights Saul’s hostile attitude towards believers without necessarily implying that he personally intended to murder them himself, although Luke could have meant this or that Saul actively participated in their sentencing to death (cf. Acts 26:10). The author of Hebrews includes murder by the sword (Heb 11:37) in his lists of the various ways in which believers had been persecuted in the past. This could be a reference to killing of the prophet Uriah (Jer 26:23).

Numerous vice lists also mention murder. In the Synoptics it appears in the vice catalogue of Mark 7:21 (par. Matt 15:19) in which Jesus refers to the evil thoughts that come from within a person and which lead to deeds that defile them. Paul includes a reference to murder in his vice list in Rom 1:29 (as some textual witnesses of Gal 5:21 do). For him murder, like all the other evils he refers to, serve as proof of the degeneration of humankind that has resulted from God handing them over to their evil thoughts. First Timothy 1:9 lists the murderers of fathers (πατρολόγας), mothers (μητρολόγας), and murderers in general (άνδροφόνος – man-slayer) as examples of those who have no respect for the law. In 1 Pet 4:15 being punished for committing murder is listed as an example of a cause of suffering that is not commendable for believers.

The meaning of the reference to murder in Jas 4:2 remains a matter of debate. The key question is whether it should be understood as referring to Christians literally murdering each other (possibly due to doctrinal differences or the desire for material gain) or figuratively as referring to the effect of internal strife on the Christian community. In the latter sense it functions as a hyperbole referring to an attitude tantamount to murder, but without signifying the actual taking of a human life. James thus refers to the conflicts (wars also being understood metaphorically) within the community that result from the internal conflict and desires of each member. Murder could also function as a metaphorical description of the exploitation of the poor

as in Judaism. Ben Sira (34:22), e.g., depicts the legal confiscation of the property of the poor as murder. Similarly Jas 5:6 condemns the destructive injustice of the rich and powerful against the oppressed and powerless poor as murder.

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Marius Nel

### III. Judaism

■ Second Temple Period ■ Rabbinic Judaism ■ Medieval Judaism ■ Modern Judaism

#### A. Second Temple Period

There is no clear definition of homicide in the Second Temple period. Most likely the juridical definition and the casuistic application was a mix of biblical law together with Hellenistic, Roman, and the earliest rabbinic traditions. During the late Second Temple period, initially, Hellenistic penal codes, and later, the Roman code, were applied in Judea, even if the area benefited from an autonomous legal status. Hellenistic-Roman legal influence in penal legislation remained dominant even during Hasmonean and Herodian rule. And yet, it is more than likely that there existed a penal legislation proper to Judea. Therefore local courts of law could judge cases of homicide, and apply, if necessary, the death penalty. For example, it is known that the Sadducees possessed a Book of Decrees, or *Sefer Gezerot*, which described the different forms of death penalty, which a court of law could impose, such as stoning, burning, strangulation, and beheading (*MegTa* 2:8). Yet, it seems that the punishment commonly applied was hanging, or even crucifixion. According to the *Temple Scroll*, hanging was the penalty applied in the case of treason (*Temple Scroll*, column 54; 4 *Peshet Nahum* 1.6–8; Josephus, *Ant.* 13.380). Thus, in the Hasmonean and Herodian period, in which Judea enjoyed complete autonomy, homicide comprised part of a penal law that fell to the competence of local courts. First, there was the royal court, or Herod’s Court, which Josephus also calls the συνέδριον or δικαστήριον. Members of the royal family, συγγενεῖς, and φίλοι made up this royal tribunal. To these Herod could add representatives of the Roman government. The only types of cases, probably including homicide, brought to this court were those involving the royal family (Josephus, *Ant.* 16.361–372; 17.89–98, and *J.W.* 1.538; 1.620–636). The popular assembly, or ἐκκλησία, also functioned as a court, which could try common citizens. The Sanhedrin’s jurisdiction in the case of homicide covered only the atonement to be made

in the case of anonymous murder, when a heifer's neck was broken (*mSot* 9:1). Moreover, in Hasmonean and Herodian Judea, Jewish cities such as Sephoris or Jericho were ruled by the same *συνεδρία*, probably the *battei din* mentioned in Tannaitic literature, that were established by Gabinius. According to the Mishnah, the *battei din* were small councils of twenty-three members (*mSan* 6) whose function was to stand as the local courts of law. It is significant that, according to the Mishnah, these bodies had the right to pass sentences for capital crimes (*mSan* 1:4). With respect to lower level courts, Josephus wrote that in *τοπαρχία* districts), as well as in towns and villages, the main authority was in the hands of seven appointed magistrates, the seven elders, who formed the lowest court (Josephus, *Ant.* 4.214). These courts could also try criminal cases involving homicides. Possibly the upper courts, which were dominated by Sadducees, the ruling class of Judea, applied the death penalty more easily as a way to intimidate the lower classes, while lower courts, which included Pharisees, were less eager to resort to the ultimate penalty. From 57 BCE until 44 BCE, as a consequence of Gabinius' intervention, it is probable that adjudicating homicide was the competence of the *συνεδρία* or *σύνοδοι*, different and separate ruling bodies, which functioned independently of one another and which were also responsible for administering penal law in the five juridical regions into which the Hasmonean state was divided. These ruling bodies were composed of the most important members of the local elites. Once Judea became subject to Roman law, after 6 CE, homicide cases that involved a Roman citizen were judged by the Roman governor of equestrian rank. From 6 to 41 CE, they were the responsibility of the *praefectus*, and from 44 until 66 the *procurator* adjudicated them. In principle, the penalty for a homicide handed down by a Roman court of law was crucifixion.

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Samuele Rocca

## B. Rabbinic Judaism

The prohibition against killing a human being (*ret-sah*, "murder"; *shefikhut damim* – lit., "spilling blood") is considered by the rabbis to be one of the

most basic and important of all biblical prohibitions. The rabbis deduce from the context of Abel's murder by Cain in Gen 4 that "man was created singly to teach you that whoever destroys the life of one Israelite is treated, by Scripture, as if he destroyed an entire world, and whoever sustains the life of one Israelite is treated, by Scripture, as if he sustained an entire world" (*mSan* 4:5). The first explicit homicide prohibition, in Gen 9:6 ("Whoever sheds the blood of a human, by a human shall that person's blood be shed; for in his own image God made humankind"), signifies: (1) its inclusion in the rabbinic category of seven Noahide (universal) laws, (2) the appropriate punishment (death), and (3) its philosophical grounding. The legal prohibition against homicide applicable to Jews appears in the Ten Commandments (Exod 20:13; Deut 5:17: "You shall not kill").

The prohibition against homicide includes a ban on suicide. Along these lines, the rabbis dictate that if one is given the choice of violating a Jewish legal precept or being killed, one must save one's life and violate the prohibition (*ya'avor ve'al yehareg*, "transgress rather than be killed"). The primacy of the ban on homicide is demonstrated by the fact that it is one of only three commandments (along with idolatry and illicit sex acts) that demand that one "be killed rather than transgress" (*yehareg ve'al ya'avor*). Thus, if one is ordered, at the threat of death, to kill another person, one is commanded to die rather than take another life. The rabbis deem human reason (*sevara*) to be the source of this rule; as Rabbah states in the Talmud, under such circumstances, "rather than slaying another person you must allow yourself to be slain, for who says your blood is redder? Perhaps his blood is redder!" (*bSan* 74a–b). Concomitantly, the rabbis deem it justified, if not mandatory, to kill another person when necessary either (1) to save one's own life (e.g., allowing the homeowner to kill a nighttime burglar, who is presumed to be prepared to murder the homeowner, *bSan* 72a) or (2) to prevent someone from killing another person (or committing rape; *mSan* 8:7). The latter rule includes the law of the pursuer (*rodef*), which states that a bystander who witnesses someone chasing after someone to kill him has an obligation to stop the pursuer, even by killing him if necessary. The Mishnah elliptically states that the bystander must kill the murderous pursuer in order to "save" him – referring not to the person being chased but to the erstwhile killer (*mSan* 8:7; *bSan* 73a).

**1. Intentional Homicide.** As noted above, the Bible proscribes death (decapitation by sword according to the rabbis, *bSan* 52b), as the punishment for intentional homicide; there is no atonement for this crime. The biblical text precludes the rabbis from interpreting the principle of *lex talionis* in this context to mean financial remuneration in place of

“like punishment” (as they do with respect to non-fatal injuries; see “Injury, Personal II. Judaism”), stating explicitly that the life of a killer cannot be redeemed by payment of a “ransom” (*kofer*; Num 35:31–32). By taking a life, the intentional killer has forfeited his own; with that act, his life is understood, in the words of Maimonides, to have reverted to the ownership (*kinyan*) of God (*MishT, Hil. Rotseah* 1:4).

The Talmud implies that most rabbis were troubled by the death penalty, stating that

a Sanhedrin [court] that puts a man to death once in seven years is called a murderous one. R. Eleazar ben Azariah says, “or even once in 70 years.” R. Tarfon and R. Aqiva said, “If we had been in the Sanhedrin no death sentence would ever have been imposed.” (*mMak* 1:10)

The rabbis had no power to revoke the biblically mandated death penalty. However, they created legal impediments that rendered its imposition extremely difficult, if not impossible (e.g., two witnesses viewing the event from the same vantage point; immediately before he kills, the perpetrator must be warned that this will be an act of murder and will result in his death; the perpetrator must acknowledge receipt of the warning). They did, however, make provision for alternate forms of punishment (which might indirectly result in death; *bSan* 81b), and stated there would be divine retribution (*bSan* 37b; *bMak* 10b; *ySot* 1:7) for those convicted of intentional homicide but for whom the death penalty, for procedural reasons (e.g., the absence of two witnesses), could not be imposed.

**2. Unintentional Homicide.** The Bible defines homicide based on the question of intent. Anyone who commits an unintentional killing is to be exiled in order to atone therefore. The early rabbis (tannaim) continued the biblical theme. They parsed the *actus reus* of unintentional homicide, primarily in terms of questions of causation (e.g., can the death be attributed to someone’s direct action; the presence or absence of intervening factors, etc.; see *mMak* 1:1, 2). However, the later rabbis (amoraim) developed new categories and principles relating to the question of *mens rea*. Rather than looking at intent based upon objective indicators, as had been done in the Bible and by the tannaim, the amoraim focused on subjective evidence as to what the specific perpetrator knew or should have known about the wrongdoing of the act (thus the requirement of a warning). The amoraim introduced the ideas that (1) differing degrees of negligence (and, hence, of culpability) should be taken into account in cases of unintentional homicide and (2) the role of exile is punishment and protection from the blood avenger rather than atonement. Specifically, they recognized a new category of homicide known as “unintentional but close to intentional” (*shogeg karov le-mezid*; *bMak* 7b) which would have been re-

garded as intentional by the tannaim. This would include, e.g., a killer possessing the general intent to perform the act, but lacking the specific intent to murder that victim, such as someone who aims at an animal and kills a human (*bSan* 9b). One who kills this way receives neither the death penalty nor forced exile, but the blood avenger is free to kill him.

The homicide prohibition factors into contemporary debates. For example, abortion is not considered an act of homicide. (NB: in a rare deviation from the norm, pursuant to which rules for Jews are stricter than those for non-Jews, abortion by a non-Jew is considered an act of homicide). Euthanasia, no matter what the circumstances, is prohibited as killing. Homicide also plays a role in the issue of organ donation. There is some debate about the moment of death in Jewish law. Most rabbinic decisors have adopted brain death as the definition, but some adhere to the traditional definition of cardiac death. On that minority view, the homicide prohibition effectively precludes the possibility of post-mortem organ donation.

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### C. Medieval Judaism

**1. “You shall not murder” – Contrasting Definitions.** Maimonides (1138–1204), in his *Book of Commandments* (*Sefer ha-Mitsvot*, 289th negative commandment) codifies the obvious: “You shall not murder” (Exod 20:13) is an explicit prohibition against humans murdering one another; the transgression of this negative commandment incurs death by decapitation. The anonymously authored *Sefer ha-Hinnukh* (34th commandment) phrases the duty fundamentally differently and rephrases the rule as, “Do not kill the innocent,” insisting that the prohibition against murder does not apply to those who are not “innocent.” These contrasting formulations of the obligation to not kill – is it a duty not to kill anyone or a duty not to kill the innocent? – is one of the central issues in the formulation of the prohibition in the medieval period. The vast majority of medieval Jewish legists adopted Maimonides codification, with only a small minority formulating the rule any other way.

**2. Intentional vs. Unintentional Homicide.** The central violation was intentional homicide. Manslaughter was a lesser violation and subject to an alternative legal rubric not discussed in this entry. The legal calculus necessary to determine the judgment of a murderer utilizes numerous variables –



Amoraic Category of Homicide	Perpetrator's Level of Knowledge (or Negligence)	Punishment	Example: One who throws a rock thrown into a public place and kills someone (bBQ 35b)
<i>Mezid</i> (intentional)	Knows the act is illegal and knows the punishment	Death by sword	[Purposefully kill the victim; two witnesses, warning, etc.]
<i>Shogeg qarov le-mezid</i> (unintentional close to intentional)	Knows the act might be illegal (should have checked)	(No death penalty or exile, but) possible death by the blood avenger or "at the hands of heaven"	In a public space where many people go
<i>Shogeg</i> (unintentional)	Should have known the act might be illegal	Exile to City of Refuge	In a public space where people occasionally go
<i>Ones</i> (not responsible)	Not expected to have known the act was illegal	Exempt from punishment	In a public space where people do not usually go

Amoraic typology of types of homicide

foremost, determining whether the murder was intentional or unintentional. Maimonides (*MishT, Laws of Murderers and the Protection of Life* 1.1–7 and 6.5) lists two conditions that must be met in order for the murderer to be subject to capital punishment: the murder must have been witnessed in toto by at least two witnesses, and the murderer must have been warned and must have acknowledged his awareness that his action would result in the murder of this individual.

Cases involving less than two witnesses or without this warning and acknowledgment were never punished by the Jewish courts, but were subject instead to punishment by the courts of the (Jewish or Gentile) kings. Arnold Enker understands that homicide's legal consequences are determined by two distinct relationships: between God and human beings, and between human beings themselves. The violation of the former relationship is the central one discussed by the Torah and the talmudic rabbis. This violation is, at the discretion of the religious courts, punishable by death, and the ultimate purpose of the punishment is to protect the sanctity of God and God's relationship to humankind. Many medieval authorities claim this punishment was never carried out in all of Jewish history. The latter relationship is at the discretion of either the king or his courts which aim to enforce the law in order to preserve social order (Enker: 1137). Even in talmudic times, since the formal procedure for executions by rabbinical courts was non-functional, there was a justice system in place that executed murderers that the Talmud designates by placing them in a *kippah* (cell) and feeding them barley until they die (*bSan* 79b; *mSan* 9:5). Since there was a non-functional formal legal system, supervised by the Sanhedrin, a justice system was necessary to punish murderers. Consequently, the rabbinical courts exercised de facto jurisdiction to punish murderers, including the use of the death penalty, although, not in the formal sense of the four talmudic penalties.

**3. The Duty to Kill the Pursuer.** There are two major exceptions to the commandment "Thou shall not murder." They are the unique duties to kill the pursuer and the right to kill in self-defense. Maimonides, in his *Book of Commandments* (*Sefer ha-Mitsvot*, 247th positive commandment and 293rd negative commandment) defines two commandments in Deut 25: 11–12 (see *SifDev* Deut 25), that relate to an innocent person being threatened by another person. Someone else may, if necessary, kill the pursuer in order to save the life of the innocent person – albeit, it is preferable to disarm or maim the pursuer. Consistent with Maimonides' general rule to always prohibit murder, he later codifies (*MishT, Laws of Murderers and the Protection of Life* 1.5–9) that, when a person is captured after committing a homicide, neither witnesses of the murder nor anyone who later sees the murderer may kill him until he is brought before a court and sentenced to death. Not only may one kill the pursuer in order to save an innocent life, but one may also kill in defense of one's own life. Furthermore, Maimonides (*MishT, Laws of Theft*) codifies that one may kill a thief who is trespassing in one's home in order to steal; despite the intruder's intention only to steal, Jewish law assumes that the thief would kill if confronted, thus allowing the homeowner to kill in self-defense. *A fortiori*, one is allowed to defend oneself in public when being pursued by someone who has a clear intent to kill. It is a logical reading of classical Jewish law that one may kill a pursuer who has no intent to actually murder so long as their conduct could actually lead to the death of the one being pursued (see "Abortion").

**4. Determining When Life Begins and Ends: Killing a Fetus and a Dying Person.** The general prohibition, "You shall not murder," pertains to healthy and functioning humans. Nevertheless, some discussion is necessary to understand to what extent this prohibition protects people who are either just beginning their lives or beginning to die.

There is a dispute in the medieval Jewish tradition as to whether feticide is murder. The famous French biblical and talmudic exegete Rashi (R. Solomon Yitsh'aqi, on *bSan* 72b s.v. *yatsa rosho*) notes simply that a fetus is not a person "until its head is out of the mother's womb," justifying abortion without any mention of the homicide prohibition. Most medieval decisors adopted Rashi's formulation. Maimonides (*MishT, Laws of Murderers and the Protection of Life* 1.9), on the other hand, seems to be of the view that abortion is murder as he cites the talmudic rule (*bSan* 72b citing *mOhal* 6:6) permitting abortion only because the fetus is an unintentional pursuer, indicating that feticide is permitted only when the mother's life is in danger.

Just as there is discussion concerning a fetus – at the beginning of life – so too is there discussion concerning when life begins to end. The Talmud (*bSan* 78a; *bMak* 7a) seems to rule unambiguously that anyone who murders a mortally wounded person is not liable for capital murder (i.e., cannot be punished, even though a sin has occurred). Indeed, one talmudic view proposes that no one should ever be judicially executed since the judges can always ask the witnesses in a homicide case whether they had checked if the victim was mortally wounded prior to the homicide, casting doubt on whether the victim was healthy or mortally wounded. Maimonides (*MishT, Laws of Murderers and the Protection of Life* 2.7) codifies that one who kills a mortally wounded person has committed homicide but is exempt from capital punishment. This perhaps contrasts with the view of some that a dying person – *goses* – is legally already like a dead person (see Rashi on *bQid* 78b s.v. *keshehu goses*, and *Arba'ah Turim*, YD 370).

**5. The Application of these Laws to Noahides.** Jewish law recognizes that homicide is a violation of the universal law code that governs all people and that neither a Jew nor a Gentile may kill. However Jewish law in the area of homicide, as in many other areas, simplifies the law as it pertains to Noahides, eliminating all the exceptions pertaining to Jews. Maimonides (*MishT, Laws of Kings and Wars* 9.4) codifies that a Gentile is liable and may be executed for the murder of a pursuer who may have been stopped with less than deadly force, the murder of any fetus, or the murder of one who is mortally wounded and without remedy.

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#### D. Modern Judaism

For Jews, the 20th century was one of unprecedented violence. Throughout the century and into the 21st century, homicide has been a topic of intense Jewish interest.

In the safety of late Victorian England, Claude Montefiore (1858–1938) thought that the sixth commandment was one that his readers "would not feel the least temptation" to violate, and that did not demand much commentary. He made only one distinction: warfare, he remarks, however barbarous it may be, is not prohibited by the commandment (1:92).

A few years later (1903), the murder of children moved the Hebrew poet Haim Nahman Bialik nearly to despair of God, justice, and mercy. In "On the Slaughter," one of a series of poems on the Kishinev pogrom, Bialik echoes Gideon's doubting questions in Judg 6.

Montefiore was a stern critic of Jewish prejudice, but some modern Jews have regarded murder as mainly a non-Jewish crime (Zborowski/Herzog: 149). "The hands are the hands of Esau" (Gen 27:22) is often quoted. "In the whole Christian world," wrote Franz Rosenzweig, "the Jew is practically the only human being who cannot take war seriously, and this makes him the only genuine pacifist" (331).

But many modern Jews, including both Zionists and liberals, have rejected the notion that Jews should not take war seriously. "The People of the Book..." said Tsevi Yehudah Kook in Palestine in 1948, "cannot be ... exempt from the sword" (quoted in Blau: 175). Twenty years later, Israeli soldiers debated the distinction between warfare and murder, so clear to Montefiore in his time. "The borderline between murder and killing in war is very blurred," one said (Shapira: 132).

Many ethical and halakhic issues involving homicide have been debated in this period. During the Holocaust, Jews faced the dilemmas of choosing victims for the death camps. There has also been debate since the mid-20th century over the attitudes of Judaism towards abortion, capital punishment, and political violence and assassination. The biblical commandment, "You shall not stand by the blood of your neighbor" (Lev 19:16) has been interpreted both as a rule governing Jewish medical ethics and as a call to political action.

Recent halakhic discussions focus on end-of-life issues in medical ethics, such as the termination of medical care, as well as questions of suicide, physician assisted suicide, and euthanasia. Some liberal interpreters of halakhah have argued for a permissive (and thus, in context, merciful) approach. However, centrist as well as Orthodox interpreters and decisors have mostly argued for maintaining a strict prohibition on suicide, and *a fortiori* on actions by physicians to encourage patients to commit suicide.

Refusing or withholding medical treatment, on the other hand, as well as administering treatments that may shorten the patient's lifespan, admittedly raise much more complex halakhic issues.

Montefiore was embarrassed by the violence in the HB. He criticized the book of Esther for celebrating the massacre of the enemies of the Jews. Other modern Jews have been drawn to the HB precisely on account of its violence. The HB, they feel, depicts murderous humanity in its true colors.

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#### IV. Christianity

Throughout the history of Christianity, homicide has been regarded as contrary to the Christian faith. It is considered in continuity with the Jewish tradition and serves as the counterpart to the most important positive value of Christian ethics, namely the right to life.

The term "homicide," from *homo* (human) and *caedere* (to slay) is strictly related to the killing of human beings. The prohibition does not function as an absolute norm; rather, it functions differently in different kinds and different contexts of "killing." The prohibition is either specified as the *private* killing of the innocent human being, which is always prohibited, or as the private or public killing of the non-innocent, which is justified under specific conditions. The tension between innocent/non-innocent victims of homicide, and private and public killing is the topic of Christian reflections throughout its history.

For the early church up to the 4th century, homicide is unanimously regarded as a grave sin and against the faith of Christians. The gospel's confirmation of the Decalogue (Mark 10:19 et al.), together with its ethics of love, articulated as love of

God, love of one's neighbor, oneself (Matt 22:36–40 et al.), and one's enemy (Matt 5:44; Luke 6:35–36), form the basis of Christian ethics. With respect to the Christian response to state-authorized killing of perpetrators or aggressors, Paul's Letter to the Romans is emphasized, calling for Christians' obedience to the legal institutions (Rom 13:1–7). Since capital punishment, abortion, infanticide, and killing for adultery were well-established practices in ancient Rome, and persecution of Christians an experience witnessed frequently by the first communities, the prohibition of homicide became an important element of the overall shaping of the early Church.

The first document beyond the biblical literature that addresses homicide is the *Didache* (ca. 100 CE). It states what will become the central doctrine of Christian ethics: "you shall not commit murder, you shall not commit adultery, ... you shall not murder a child by abortion nor commit infanticide." (quote Sider: 18) More difficult is the interpretation of killing in self-defense, which is permitted, capital punishment by state authority, and military service that may involve the killing of a human being. Up to the 4th century, the church fathers rule out Christian participation in public offices involving capital punishment. Christians, it is commonly held, must also abandon the military service. At the dawn of the Constantinian age, Lactantius adds to this the overall prohibition for Christians to engage in war.

The ongoing discussion among theologians about the pacifism of early Christianity is put to rest with respect to Augustine: he is the first church father who explicitly distinguishes between the unjustified killing of an innocent as an absolute norm, including suicide, and the justified exception from the prohibition when authorized by the state, in the case of capital punishment (Brugger), and in war, if that is "just," i.e., meeting specific criteria (*Civ.* 19.7, 15).

The medieval Christian church is characterized by continuity with the early church on the topic of private homicide but discontinuity on the participation in public offices, including capital punishment and military service, which is now generally permitted for Christians, too. Furthermore, "state authority" is now paralleled in "church authority," which may defend the community of the faithful against internal and external enemies.

The most important systematic treatment of homicide is presented by Thomas Aquinas (1225–1274; Thomas Aquinas: 64 [*Summa Theologiae* II/2]). The arguments Thomas presents serve as the normative reference up to today, and will be explained below in the context of the contemporary discourses.

Since human life is considered the foundational value of Christian morality, specifications at present

concern the question of abortion, suicide, and euthanasia. In all three areas, the moral principle has been contested, although for the most part of the history the debate has centered on suicide.

*Suicide:* Thomas Aquinas argues that while suicide is against human nature, it also violates the principle of justice and love; the argumentation is therefore not based entirely on the natural inclination to preserve one's life but rather on the moral reasoning to act in accordance with the good, together with the theological imperative of self-love. The most complex reasoning on suicide is presented by Francisco di Vittorio (1486?–1546; di Vittorio).

*Abortion:* Abortion is treated for the most part of the Christian history together with infanticide. However, it was only in the 19th century, with the discovery of the ovum, that the beginning of human life was considered to coincide with conception (Haker). Pope John Paul II called abortion, as specific kind of killing the innocent, one of the gravest sins in modern societies, not only affecting the individual but also rooted in modern culture as a structural sin (John Paul II 1995).

As is the case in public killings by authorities, in penal systems and in war, some cases of private killing call for specifications. Traditionally, these are *self-defense* (killing of another person) and *martyrdom* (non-resistance to being killed). They are either considered as exceptions or as cases that render the killing *justified*, hence not included in the prohibition of homicide. In self-defense, the death of another person is neither the first intention (or any intention) but a side-effect of self-protection, addressed as action with double effect; the death of a martyr is not comparable to a suicide, because one's death is accepted in view of a greater good, namely God.

With respect to the *killing of non-innocent human beings by (state or church) authorities*, Christian ethics today argues generally against the justification of the *death penalty* (the Catholic Church not ruling it out in principle but practically (John Paul II 1997), and it has developed extended reasoning and criteria of *just war*.

In view of the Catholic Church's doctrinal teaching on bioethical questions, Christian theologians at present continue to debate the implication of the prohibition of homicide (Wolbert). The debate within bioethics is centered around (1) *abortion* – especially in the case of conflicts between the life of the mother and the child's life, but also in the case of rape. Theologians have questioned, too, the moral status of the early embryo. In the case of (2) *euthanasia*, the discussion is more in flux in so far as different sub-categories need to be addressed: assisted suicide, indirect euthanasia (which may or may not fall under the category of “double effect” actions), and direct euthanasia, i.e., the active and

intentional killing of an innocent person who wishes to die. Yet another area of debate is the (3) *removal of organs* for transplantation in the process of dying or after (brain) death, as the exact ending of life is contested.

In political ethics, the debate has shifted from the death penalty to *structural injustices* (Gutierrez), and theologians have addressed questions of “killing by omission.”

The theological tradition shows overall consistency in the prohibition of homicide, but it also reveals the historical conditions that have shaped the criteria of unjustified and justified killing. It remains to be seen whether the 21st century will pursue its emphasis on killing in the context of bioethics, or whether it will shift (back) to the context of political and institutional actions. The integration of these structural questions have changed the perception of the prohibition to kill, even though the metaphor of a “killing economy” (Pope Francis, *Evangelii Gaudium*) goes far beyond the traditional approach to homicide.

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## V. Islam

In Arabic there is no specific verb to denote “to murder” and it can only be referred to using the generic verb *qatala* (to kill), with the qualification of “killing when it is unlawful” (cf. S 5: 32). However, there are a number of circumstances in which killing is acceptable or encouraged, such as war (cf. S 2: 190–91). The capital punishment for murder imposed in the Bible (e.g., Num 25: 16–21; Peters: 36–53) is also found in Islam, but the Qur'an encourages any relative(s) of the victim to claim the *diyya*, compensation or “blood money” (S 2: 178; Ibn Rushd 2: 478–505; Anderson). Murder, as the sixth commandment (Exod 20: 13), is often mentioned in summaries of the Decalogue in the Bible (e.g., Hos 6: 9; Rom 1: 29; S 25: 68), and is regarded as the depth of depravity (1 John 3: 12). This is also the case in the Qur'an, where homicide is punished with condemnation to hell (S 4: 93).

Murder is seen in Islam as human interference with the divine prerogative to cause death. As in biblical thought, the murder of a human, who is created in the “image of God” (cf. Gen 1:26–27), is equated with an attack against God. In contemporary Islam this has led to debate about such matters as euthanasia and abortion, in which ideas such as the right to a “good death” are placed alongside injunctions against murder (Brockopp: 177–93; Bowen: 55–59). Rules and regulations about homicide in the Qurʾān and Islamic law, as well as more ethical reflections on murder, both medieval and modern, can be seen as largely maintaining the biblical injunction against homicide.

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Stephen Burge

## VI. Literature

The biblical traditions positively brim with homicides that have inspired a plethora of literary engagements. One particular homicide that is the subject of many such engagements is Cain's fratricide of his brother Abel (Gen 4); interestingly though, we encounter a number of very different portrayals of both the murderer and his motives for murder within the literary retellings of this tradition. For example, within a number of these retellings, the name Cain serves as a byword for the treacherous, homicidal, and monstrous potential of humanity. In the Old English poem *Beowulf*, e.g., Cain is identified as the ancestor of cannibalistic predator Grendel; Cain's initial act of fratricide rendered him monstrous and his descendants are thus destined to perpetuate both this monstrosity and the violent legacy it endows. Meanwhile, in the medieval *Wakefield Mystery Plays*, Cain is portrayed in a similarly negative light; he is hot-tempered, morally lacking, and decidedly half-hearted in his devotion to God.

This association of Cain's character with sinfulness and violence is likewise echoed in John Milton's retelling of the story in *Paradise Lost*, where Cain's inferior sacrifice and lacklustre piety cause the deity to favor Abel's offering, thereby sparking events that lead to the homicidal act. Yet, for Milton, this act is not without its meaning; reading the narrative typologically, he transforms Abel into an early anticipation of the sacrificial lamb, thereby imbuing Cain's murder with a sense of purpose, in

its promise of atonement and its highlighting of God's salvific grace through Christ.

Shedding a different light on matters, Lord Byron's drama *Cain* (1821) reimagines this biblical homicide as the stage upon which Cain plays out his struggle to understand the divine mystery. Here, Cain is something of a Byronic hero – a rebel with a cause – consumed with a fury against the injustices of life east of Eden and a God he regards as tyrannical and capricious. Abel thus becomes the “collateral damage” to his brother's rage, killed (perhaps inadvertently) as Cain reacts to the deity's seeming arbitrary rejection of his sacrifice. Such a portrayal of Cain as a man impelled to violence by external influences rather than any inherent propensity to evil is likewise explored in Salomon Gessner's epic poem *Der Tod Abels* (The Death of Abel, 1760), and in Charles Baudelaire's poem “Abel et Caïn,” (1857) which invites the reader to consider Cain and his descendants as the victims of perpetual oppression and divine injustice, who deserve our sympathy rather than censure. Following this line of thought, in John Steinbeck's *East of Eden* (1952), the character Lee interprets Cain's act of homicide as the inevitable outcome of his craving for love and recognition, which are withheld from him by both his parents and his God. This, explains Lee, is “the story of mankind” – the crucial explanation for humanity's propensity to violence (Steinbeck: 329).

These varied and sometimes ambivalent responses to Cain's act of homicide are also echoed in literary retellings of another scriptural murder – Judith's beheading of Assyrian military leader, Holofernes (Jdt 13). Many of the earlier engagements with this Apocryphal tradition, including Guillaume de Salluste Du Bartas's *La Judit* (1574), Gabrielle de Coignard's *Imitation de la victoire de Judith* (1594), and Marko Marulić's *Judita* (1501), portray the murderous Judith as a brave and virtuous warrior, driven in her homicidal intent by a political and religious zeal that was laudable in its intensity. Within these traditions, she symbolizes heroism in the face of tyranny – a figure of hope during contemporary times of political, religious, and military unrest.

This positive portrayal of Judith gradually changes, however, in later literary treatments, as she becomes an increasingly sexualized and morally ambivalent figure, a *femme fatale* who wields her sexuality like a lethal weapon and casts off her widow's chastity in the pursuit of her murderous goals. In the works by Friedrich Hebbel (*Judith: Eine Tragödie in fünf Akten*, 1840), Jean Giraudoux (*Judith*, 1931), Michel Leiris (*L'age d'homme*, 1939), and Howard Barker (*Judith: A Parting from the Body*, 1990), Judith's feelings towards Holofernes are marked by a dangerous desire and it is this – rather than any political or religious motivations – that ultimately prompts her homicidal act.

Another biblical murderer often likened to Judith is Jael, who similarly uses both duplicity and feminine charm to destroy an enemy of Israel (Judg 4–5). Yet, Jael's homicidal impulses are less often referenced as a marker of woman's dangerousness; instead, her story is used as a motif to explore issues of gender relations within the author's own cultural milieu. In Sarah Maitland's *Daughter of Jerusalem* (1978), for example, Jael's murder of Sisera becomes a justifiable act of vengeance against all male perpetrators of sexual violence, while for Charlotte Brontë's heroine Lucy Snowe in the novel *Villette* (1853), both Jael and her victim come to represent the experiences of women who were living within the repressive strictures that 19th century societal ideals imposed upon them.

Lastly, it is worth recalling that some biblical homicides are carried out in the name of religious obedience or justice, the murderer(s) confident that the deed will meet with divine approval. No one weeps for homicide victims such as the idolatrous and duplicitous queen Jezebel (2 Kgs 9:30–37), the incestuous rapist Amnon (2 Sam 13), or the myriad victims of Israel's devotional acts of genocide carried out after military victory (Deut 20:16–17; 1 Sam 15). Yet, there is one victim of holy homicide whose death is often lamented in the scores of literary retellings that allude to her – the unnamed daughter of Jephthah, sacrificed by her own father after his rash vow to the deity went terribly wrong (Judg 11:29–40). And, while sympathies are usually reserved for this woman, there may also be some pity for her filial father. In Amos Oz's short story, "Upon this Evil Earth" (1965), e.g., Jephthah's tragedy is that he is driven to fulfill his vow out of love and loyalty to God – a God he fervently believes can intervene and save his daughter, just as this same God saved Isaac from Abraham's sacrificial knife (Gen 22). The real heartbreak comes when this does not occur, and what seems to be an utterly unjust act of homicide is perpetrated, apparently, with divine approval.

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## VII. Film

Homicide, both deeply fascinating and disturbing, was a topic in film from its earliest years. The biblical distinction between murder/manslaughter and "lawful" killing (cf. Exod 21:12–20; Num 35:17–21; Deut 27:24 and the commandments in Exod 20:13 and Deut 5:17) was important throughout film history. In the first decades of movies, for example, *King John* (dir. Walter Dando, 1899, UK) rec-

reated the death scene of the poisoned king in Shakespeare's play; *Anaïc ou Le balafré* (dir. Georges Méliès, 1908, FR) shows that three villains who – amongst other crimes they commit – stab a man to death are brought to justice; *Man's Genesis* (dir. David W. Griffith, 1912, US) describes the invention of primitive weapons to enable the righteous weak to defeat the ruthless strong. Basically, before World War I, the confrontation between good and bad and the unquestioned victory of the good was the dominating narrative of movie plots.

After World War II, probably due to the immense death toll on the one hand and the *shoah* on the other, a notably different depiction of death appeared first in Europe with its tradition of independent cinema but afterwards in the US too. The staged "beauty" of death that had been a common aesthetic approach showing the homicide victim dying fast, easy, and dramatic, changed to a more realistic picture of the pain, suffering, and agony of the doomed characters, even in movies closely related to biblical movies. Comparing *Ben-Hur* (dir. William Wyler, 1959, US) with *Pale Rider* (dir. Clint Eastwood, 1985, US) and *Der neunte Tag* (dir. Volker von Schlöndorff, 2004, DE, *The Ninth Day*), the modified aesthetic concept is perfectly obvious.

What also changed was the depiction of death penalty. Mostly unquestioned in film before the 1970s, except the topic of judicial errors, its ethical implications became increasingly popular in the last decades. *Dead Man Walking* (dir. Tim Robbins, 1995, US) and *The Green Mile* (dir. Frank Darabont, 1999, US), both films that cite or allude to biblical texts, are examples of this trend. However, the most outstanding film on this topic is *Krótki film o zabijaniu* (dir. Krzysztof Kieslowski, 1988, PL, *A Short Film about Killing*), which also aired as an episode of the *Dekalog* television series. Kieslowski's camera follows a young man who brutally murders a taxi driver and is captured and executed afterwards – a simple plot but an incredibly touching comparison between the two acts of killing. The almost documentary style of the movie provides the formal framework for the thought provoking question about the individual dignity of both victim and perpetrator.

It is obvious that depicting homicide is deeply interwoven with socio-cultural reference systems, which are, in western society, to a considerable extent still depending on the Bible. However, René Girard tried to show that mimetic rivalry and the scapegoat mechanism are responsible for the treatment of the victim, which in that case is at the same time a sacrifice too. The act of homicide, especially of "lawful" and/or "justified" killing, in film is often performed on subjects that are presented to the audience as if they deserved it – the villain commits crimes so substantial that the hero is supported by the audience's feelings when killing him. Yet this

is exactly the way the scapegoat mechanism works according to Girard.

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See also → Cain and Abel, Story of; → Capital Punishment

## Homily (Genre)

- I. Judaism
- II. Christianity

### I. Judaism

Claims for the presence of homilies in the talmudic literature of the first six centuries CE are contested. Leopold Zunz, Abraham Geiger and most recently Joseph Heinemann held that the classical rabbinic midrashim “drew the bulk of their material from the tens of thousands of sermons which had actually been preached in the synagogues of Palestine during the first four or five centuries C.E.” (Heinemann 2006: 468–69). Because midrashic literature is primarily comprised of short interpretative statements attached to words or phrases of Scripture and looks nothing like orally delivered homilies, Heinemann argued that the midrash preserves only the outlines of these homilies, whether of entire sermons or, more frequently, of short sections alone. The midrashic literature, in this theory, was created when small sections of orally delivered homilies were compiled into larger units of discourse.

Heinemann points to two particular midrashic forms as evidence that midrashic literature emerged from orally delivered homilies. First are the Tanḥuma-type midrashim, which use a rhetorical formula that begins with the phrase “*yelammedenu rabbenu*” (“let our master instruct us”), followed by a legal question, the answer to which leads the “sermonizer” to an interpretation of the first verse of the biblical lection read on a particular Sabbath. The assumption is that the question posed was already known to the preacher, who used it as an anchor for his homily. The specific features that support the claim that this rhetorical form has its origins in sermonic presentations are (1) the implied interaction of the speaker with an audience – suggesting an oral context – and (2) the fact that

these midrashim are generally associated with the first verse of weekly Torah-readings.

A second relevant rhetorical form is the proem (Aram. *petiḥta*). This literary form begins with the citation of a biblical verse, usually from the Hagiographa, that seems unrelated to the topic of the Torah lection of the day. But in the course of elaborating on that citation, the exegete ultimately arrives at the relevant verse. The proem thus sheds innovative and unexpected light on the meaning of a weekly Torah portion, even as – by relating a verse of the Hagiographa to one from the Torah or Prophets – it highlights the essential unity of all sections of Scripture. Scholars who argue for a public, sermonic setting for the midrashic literature assume that the proem functioned as an introduction to the Torah – or in some cases Haftarah – lection, engaging the congregation’s interest by making people wonder how the exegete would get from the seemingly unrelated opening verse to the topic at hand.

Recent scholarship challenges the claim that the form and content of the midrashic literature as it is preserved in the redacted documents before us reflect orally delivered homilies. The biggest obstacle to accepting claims of the midrash’s origins in synagogue homilies is that the pericopae that comprise the midrashic literature simply do not read like anything that could have been delivered as a sermon. The redacted midrashic passages, even those in the proems and Tanḥuma forms, tend to be short and disjointed, commenting on specific verses rather than unpacking larger themes or ideas in an expository manner. Even an extremely knowledgeable lay congregation would find these texts too intellectually complex to be intelligible if presented orally. Moreover, even if we could assume that the midrash somehow emerged from originally oral homilies, what we have before us is far too condensed and laconic to reflect in any significant way what those sermons would have looked like.

Another challenge to the assumption that the midrashic literature comprises highly redacted forms of oral sermons arises from research of the past decades that has significantly revised our understanding of the early rabbis, of their literary production, and of their place in the Jewish communities of the first six centuries CE. In the talmudic period, the process of expositing biblical texts had its primary locus within the rabbinic schoolhouse, which – unlike the ancient synagogue – was under the control of rabbinic masters. The talmudic literature itself provides little evidence that rabbis preached in or even were principally involved with synagogues; such preaching became associated with the rabbinic estate only in the medieval period. This means that, in the rabbinic period, “preaching,” if it occurred at all, took place in the rabbinic academy, where it would have been aimed at other rabbinic masters and their disciples.