



Lecture # 1 Part 1

The Ten Commandments, The Laws Governing Man's Duty To Others (Part 6):

Commandment Six Concerns Man's Life—Never Murder, Exodus 20:13

The Sixth Commandment Sanctity of Human Life

“Lo Tirtzah” (Exodus 20:13) “Thou shalt not murder”

Exodus 20:13 (BHS)

¹³ לֹא תִרְצַח: ם

“Lo Tirtzah”

Exodus 20:13 (KJV)

¹³ “Thou shalt not **kill**.”

Exodus 20:13 (NASB)

¹³ “You shall not **murder**.”

Let us begin consideration of this commandment by pointing out that, contrary to many translations, it does not say “Thou shalt not kill,” but “Thou shalt not murder”, the Hebrew stem **r'tz'h** used only to refer to the unlawful taking of human life; the word is never used in connection with capital punishment or killing in war, and never with reference to divine action.

The text thus draws an important distinction between **felonious murder** (The killing of a human being without justification or excuse) and all other categories of homicide. In this regard, it is noteworthy that the sages recognized **three forms of non-felonious homicide**, justifiable, excusable, and culpable.⁴⁰⁵

In brief, **justifiable homicide** would include the execution of a lawfully condemned criminal, the killing of a criminal to save the life of a third party, the killing of a person attempting rape, adultery, incest, or pederasty, and killing another person in self-defense.

Excusable homicide may be either fortuitous or accidental, the former referring to a situation in which one is climbing a ladder that breaks and the climber falls and kills a bystander, the latter to a person descending a ladder that breaks and kills a person. The distinction is important; the **fortuitous homicide does not incur a penalty** whereas the **accidental homicide incurs the penalty** of banishment.⁴⁰⁶ It is presumed that the accidental killing should have been prevented because the person coming down the ladder was in a better position to see what was passing below him and to take the appropriate precautions than someone ascending the ladder.⁴⁰⁷

As for the third category, **homicide is considered culpable** when it is the result of gross negligence, as in the case when one kills a perpetrator in order to prevent a crime when less lethal means of doing so are available, when the homicide is committed



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through ignorance of the law, and when the criminal is not the immediate cause of an unlawful death but is an accessory before the fact.

Culpable homicide in these cases is not considered a capital crime from the standpoint of a judicial system of law but the perpetrator may be slain by the **“avenger of blood”**, in accordance with biblical law.⁴⁰⁸

The **“avenger of blood”** is an ancient institution designed to maintain an inter-clan or inter-tribal balance of power by killing the person who upset the balance by killing a member of another clan or tribe, an institution that the Torah ultimately sought to eliminate but could not do so before a well-ordered society was established. In addition to those mentioned, there are also other types of culpable homicide over which a court may exercise a range of punitive options depending on the circumstances of the homicide and the needs of society.⁴⁰⁹

It is noteworthy that this prohibition against felonious homicide, which is dictated by common sense in that no society in which murder was condoned could long be viable, is nonetheless proclaimed as a divine imperative, making its commission not only a criminal act condemned in all societies but also a crime against God. For the sages (Jewish wise men), murder is intrinsically inimical (injurious or harmful) to reason. Why, it was asked, would one douse a light that he was incapable of rekindling, or cause the loss of a soul that he was incapable of restoring without due process of law?

It behooves man to recognize that whereas he has the power to bring about death, his power to restore to life is extremely limited and uncertain—God alone has complete power in this regard. Man may murder and hide his guilt from man but he cannot hide from God that he has destroyed that which God created.⁴¹⁰

It is noteworthy that some considered the commandment to apply not only to felonious homicide but also to suicide. **“Thou shalt not murder”** means also **“Thou shalt not murder thyself: thou shalt not cause thy own blood to cry out bloody murder against thee.”**⁴¹¹

To fully grasp the implications of this commandment, a consideration of the biblical abhorrence of bloodshed may be helpful, and for this we must return to the story of the **Deluge** or as we know it **THE FLOOD** and its aftermath as related in the **book of Genesis**.⁴¹²