SIXTH COMMANDMENT: You shall not kill or You Shall not murder?

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The sixth commandment, at first glance seems to be the easiest commandment to understand. However, this is one of the most complex commandments, as it must be defined again and again to understand its extent, and is also one of the most relevant in modern times.

First, we should agree that You shall not”KILL” is a misleading translation. In English, as in Hebrew, there is a difference between killing and murdering. Killing may include ending the life of animals, while “murdering” is restricted to killing people. This command should then be translated then as “You shall not murder”.

As we said, although this commandment only includes two words, six letters, is very complex regarding its extent and inclusion.

To begin with, Jewish law, like American criminal law, distinguishes between different types of “murder”. In the following lines, we will see some of these categories, according to what the Rambam mentions.

First, there is a murder which is “permitted”; that is killing in self-defense. If someone approaches with the intention of killing me (in Hebrew: “rodef”) then I could kill the potential murderer to defend myself. The same happens if someone is about to kill an innocent person. I could kill the potential killer to prevent that murder.

Secondly, the case of accidental murder. This case is explicitly legislated in the Tora with the example of two people who go to work in the fields, to cut-down trees. One of the workers accidentally hits the other worker and causes his death. In this case, there is no intention to kill and not negligence. We could compare this case today with some types of traffic accidents, where the judges determine that the circumstances of the fatal accident were completely beyond the control of the driver. In this kind of cases, in biblical

times, the unintentional murderer had to go into exile to the cities of refuge.

Third case, killing another person for negligence: “A” did not intend to kill “B”, but “A” should have taken some measures to avoid the accident. The classic example today is a person who drives his or her car at full speed and “accidentally” kills another person. This is called negligence, or in Hebrew: peshi’a. And the degree of responsibility of the perpetrator is obviously higher, although there was no intent to kill.

Fourth, a situation where a person intentionally hits another person without intent to kill him, but accidentally kills him.

And fifth, the case of premeditated murder, i.e., when “A” kills “B” intentionally. In this latter case, if the intentional murder is witnessed by two valid witnesses, death penalty would apply for the murderer (although, in the times of the Sanhedrin, the Supreme Court of the Jewish people, this individual was sent to prison and sentenced to death, but the actual execution would very rarely take place.)

Maimonides also mentions other types of homicide such as: intentionally causing the death of another person; murdering through a third party; suicide, etc.

Each of these cases deserves special analysis concerning intentionality, responsibility, punishment, etc. The interested reader can find all these cases and more in Mishne Tora, Sefer Neziquín, Hilkhot Rotseaj.

As you can see, we have summarized this complex issue in very few words. And we are just beginning exploring this commandment. In the coming days, we will see some other modern examples of the prohibition of murdering. Is abortion considered murder? Is euthanasia permitted in Jewish law? Can one disconnect the ventilator from a patient in a vegetative state? etc.