

Num. 35:6

The towns that you assign to the Levites shall comprise the six cities of refuge that you are to designate for a manslayer [הַרְצֹחַ] to flee to, to which you shall add forty-two towns. <sup>7</sup> Thus the total of the towns that you assign to the Levites shall be forty-eight towns, with their pasture. <sup>8</sup> In assigning towns from the holdings of the Israelites, take more from the larger groups and less from the smaller, so that each assigns towns to the Levites in proportion to the share it receives.

: לֹא תִרְצַח Ex. 20:13 [NJPS, OJPS, NRSV] You shall not murder. [KJV] “Thou shalt not kill.”

Nahum Sarna, JPS Torah Commentary

**Exod 20:13. murder** The Hebrew stem *r-ts-h*, as noted by Rashbam and Bekhor Shor, applies only to illegal killing and, unlike other verbs for the taking of life, is never used in the administration of justice or for killing in war ... [I]t is not in the power of human beings to forgive a murderer or to commute the death penalty into ransom, as Numbers 35:31 makes clear.

Jacob Milgrom, JPS Torah Commentary

**Num 35:30. the manslayer may be executed** Literally, “[one] shall murder the murderer.” That person must be the *go'el* (vv. 19,21). The verb *ratsah* is also used for unpremeditated killing (v. 25) and for nonculpable killing (v. 27).

v. 6, 11, 12, 25, 26, 27, 28, 30 manslayer  
v. 16, 17, 18 (twice each), 19, 21 (twice), 31 murderer

- Num. 35:10 Speak to the Israelite people and say to them: When you cross the Jordan into the land of Canaan, 11 you shall provide yourselves with places to serve you as cities of refuge to which a manslayer who has killed a person unintentionally [רֹצֵחַ מִכַּה־נֶפֶשׁ בְּשִׁגְגָה] may flee.
- Num. 35:26 But if the manslayer ever goes outside the limits of the city of refuge to which he has fled, 27 and the blood-avenger comes upon him outside the limits of his city of refuge, and the blood-avenger kills [וַיִּרְצַח] the manslayer, there is no bloodguilt on his account.
- Num. 35:30 If anyone kills a person, the manslayer may be executed [וַיִּרְצַח אֶת־הָרֹצֵחַ] only on the evidence of witnesses; the testimony of a single witness against a person shall not suffice for a sentence of death.

**RASHBAM** (to Exod 20:13): **You shall not murder.** The Hebrew root translated “murder,” רִצַּח, always refers to unjustified killing; see Num. 35:16–18, 1 Kings 21:19, Isa. 1:21. The roots הרג (“kill”) and מוֹת (“put to death”) may refer to justified or unjustified killing. Deut. 4:42, “one who unwittingly murdered a fellow man,” uses רִצַּח because the law is a corollary to the law of murder; if the “murder” is unwitting, he is not liable. The Christians admit that I am right about this. For even though in Christian Bibles “I deal death and give life” (Deut. 32:39) is translated with the Latin word corresponding to רִצַּח, the Hebrew uses מוֹת. They translated carelessly.

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**BEKHOR SHOR** (to Exod 20:13): רציחה is *meurtre* in the vernacular, i.e. killing that is outlawed. The word רציחה cannot be used unless the killing is against the law. But מיתה and הריגה can be for actions both legal and illegal. [trans. Lockshin]

Marty Lockshin, “Does the Torah Differentiate between Murder and Killing?”

The use of רצה in *Parashat Massei*’s law of unintentional manslaughter poses a number of serious difficulties for Rashbam’s contention.

1. **A Murderer who Kills Unintentionally [v. 11]**
2. **A Murderer with No Culpability [v. 27]**
3. **Murdering the Murderer [v. 30]**

...

The use of רצה in Numbers 35 stands as a decisive counterexample to Rashbam. As Blidstein [“Capital Punishment—The Classic Jewish Discussion,” *Judaism* 14 (1965), 159-171.] notes, Don Isaac Abarbanel (1437-1508), who never saw Rashbam’s Torah commentary, understood the problem, and cited Num. 35:27 to prove that the root רצה means “kill,” not “murder.” Accordingly he interpreted the sixth commandment of the Decalogue broadly, as outlawing more than premeditated homicide (although he clearly recognizes that the Torah does allow and even encourage some taking of human life). In some ways, Jacob Milgrom’s suggestion: “Hebrew *rotseah* is used indiscriminately for manslaughter, irrespective of intention and authorization,” [commenting on v. 11] follows Abarbanel.

<http://thetorah.com/does-the-torah-differentiate-between-murder-and-killing/>

Baruch Levine, *Numbers* (Anchor Bible)

“Imprecisely, the killer is here (and in the following verse) termed [*rotze’ach*].”

- Num. 35:11 you shall make accessible to yourselves towns which will serve you as towns of asylum, where an [\[accused\] murderer](#) may flee, one who slays a human being inadvertently.
- Num. 35:27 ... and the restorer of the blood overtake him outside the border of his town of asylum, and the restorer of the blood [murder the \[accused\] murderer](#), he is not to be charged with a capital crime.
- Num. 35:30 When a person slays a human being, [the murderer may be executed](#) only on the testimony of witnesses.

“The poignant cognate-accusative syntax, [*ratzach et ha-rotze’ach*] ‘to murder the murderer,’ is unique in Scripture.”

**RASHI** (to Num 35:30): **The manslayer may be executed.** Rather, “he”—the avenger—“shall slay the manslayer,” but **only on the evidence of witnesses.** They must give evidence that the “manslayer” committed deliberate murder, after being warned that to do so was criminal.

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