

BLOOD FEUD

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Does the "blood feud" (the tradition of apparently permissible lethal revenge on a killer) fundamentally violate the Sixth Commandment? The Sixth Commandment (Ex. 20.13) states, briefly but decisively, *lo tirzach*, translated in the JPS as *You shall not murder*. That is, it forbids intentional homicide. Non-Jewish translations (for example, the King James Version) use the more general *Thou shalt not kill*. To kill, however, can be unintentional, accidental death or manslaughter. And yet not every deliberately-caused death is forbidden. Even for the prohibition of deliberate killing there are exceptions.

War, of course, can be lawful, even obligatory, as when the Torah commanded our forebears to *utterly destroy* the peoples currently living in Canaan, the land which the Eternal had allotted to the children of Israel (Deut. 7:2). In those circumstances the warrior kills the adversary with full intention, although not knowing him personally. But even knowing who his victim is, he can be ordered to kill him (Num. 31:8), including, in certain circumstances, even prisoners (Num. 31:17)! And not only within the context of war is intentional killing permitted. In the famous case of the Golden Calf, it is Moses himself who enjoins his followers to kill the apostates one by one (Ex. 32:27), and the murderer Phinehas not only is not punished but even given a generous reward by the Eternal (Num. 26:11-13).

There are other circumstances in which killing is not murder. For example, he who kills an aggressor in self-defense does so intentionally but rightfully. Another example is capital punishment ordained by a competent court. But the "blood feud" does not fit into any of these examples. In some societies, the slaying of one of its members is considered to be a grave offense to all the family, to the clan as a whole, regardless of the circumstances of the act. The closest male relative of the victim has then the sacred duty to blot out the disgrace, to restore the humiliated group's good name by killing the killer. When that killing is in turn avenged by his kin, the feud becomes a bloody chain. Such irrational codes supposedly had validity only within ancient societies, but they appear to continue into our days – albeit illegally – in places such as Corsica and Sicily, where they are known by the term "vendetta."

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Our Torah, as it reflects many aspects of the social conditions of the late Bronze Age while endeavoring to cleanse and control them, knows of the institution of *goel ha'dam* [blood redeemer]. The Torah knows and recognizes the tradition, even condones it, but at the same time rejects it. In consequence, Numbers 35 presents a vacillating attitude toward the figure of the blood avenger. The Torah does call him *goel ha'dam* (Num. 35:27), ostensibly accepting thereby the traditional thought that the executor of the vengeance "redeems" the shame suffered by the family of the deceased. If the accused is sentenced to death, then it is up to the "blood avenger" to execute the sentence. At the same time, the Torah endeavors to control the recognized desire for revenge. It establishes six "cities of refuge" for the killer, cities within which he is safe until a court delivers its verdict. If the blood avenger kills him within the city, he is legally considered a murderer and sentenced to death. In any case, it is a competent court which judges the case (Num. 35:24).

The Torah places still another restriction on the blood avenger: In case the accused killer is judged innocent, he is given the right to live as a free man in one of the cities of refuge. This protection is conditioned, however, upon his staying physically within its limits during the lifetime of the High Priest in office at the time of the deed. If during this period the blood avenger finds him outside the city, he has the right/duty to avenge his relative's death, and he will not be guilty of murder (Num. 35:27). The death of the said High Priest extinguishes the right to exact revenge on a killer judged innocent of murder. From that moment on, the fugitive can go home entirely free, and if the blood avenger encounters and kills him, he would be considered straightway a common murderer.

Summing up: The Torah insists upon the sanctity of each individual life, to which end it institutes permanent laws to protect it. The Torah acknowledges the institution of Blood Feud in spite of the fact that the avenger is a "murderer" in the literal definition of the Sixth Commandment. The Torah reconciles both mutually exclusive concepts, establishing at first the predominance of the judicial competence over the personal one, accepting the figure of the blood avenger but only in a limited role and only within the framework of judicial courts.