

4. In verse 11, James gives an illustration of the principle noted in verse 10 by citing two of the Decalogue's commandments: (1) #6, "You shall not commit adultery" and (2) #7, "You shall not commit murder."
5. It is impossible to misunderstand these two prohibitions unless you are reading the King James Version which reads:

**James 2:11** For he that said, Do not commit adultery [ μοιχεύω (*moicheúō*) ], said also, Do not kill [ φονεύω (*phoneúō*) ]. Now if thou commit no adultery, yet if thou kill, thou art become a transgressor of the law. (KJV)

6. "Adultery," *moicheúō*, is clearly understood to be infidelity to one's spouse. It violates the "holy bond of matrimony" which is the union of man and wife, never to be broken until the death departs one of them.
7. However, *phoneúō*: "kill," is an erroneous translation that has empowered numerous legal complications by pacifists since 1611 when the KJV was originally published in England.
8. The word *phoneúō* does not refer to the English word *kill* whose definition is to "cause the death of (a person, animal, or other living thing): *her father was killed in a car crash.*"<sup>1</sup>
9. The word *phoneúō* is defined in English as "the unlawful premeditated killing of one human being by another: *he was put on trial for attempted murder.*"<sup>2</sup>
10. The word *kill* is therefore all inclusive of several "causes of death" of a person or animal. *Murder* is restricted to the "unlawful premeditated killing of one person by another." Assigning the general term *kill* to all acts of taking another's life has led to some pacifists' objections to the death penalty, warfare, self-defense, and presently the Second Amendment
11. The hoped for immutability of the Bill of Right's ten amendments has been under assault since the First Continental Congress approved it to be sent to the states for ratification which culminated in December 1791.

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<sup>1</sup> *The New Oxford American Dictionary* (2001), s.v. "kill."

<sup>2</sup> *Ibid.*, s.v. "murder."



12. The man almost solely responsible for the Bill of Rights to even be considered by the convention in Virginia was Patrick Henry. That it was considered by the First Congress is due to the oratory of Patrick Henry. Here's the background of this most crucial debate prior to the ratification of the Constitution's Bill of Rights.

Initially, the Federalists [James Madison, et al.] thought that constitutional amendments, which ultimately would take form in the Bill of Rights, were an unnecessary distraction to the business of ratification. Madison also argued that a Bill of Rights would imply that the national government had powers beyond those enumerated in the text of the Constitution.

It would be much simpler, Madison thought, just to agree that the national government had only the powers enumerated in the Constitution and no others. But the anti-federalists [Patrick Henry et al.] did not accept Madison's assurances about the national government's limited authority. Their relentless pressure at the states' ratifying conventions helped ensure the adoption of those ten amendments that now form the basis for American's most treasured rights under the law. Without Henry and the anti-federalists' strident opposition, the Federalists would never have included provisions protecting freedom of religion, speech, the press, the right to bear arms, trial by jury, and other essential liberties. These amendments explicitly limited the power of the national government. Henry demanded that the Constitution clarify that all powers not expressly given to the national government were retained by the states, because otherwise, the national government would absorb powers by default. Henry noted that the Constitution did limit certain powers. What about Americans' other rights? Was the national government restricted with regard to those? "The fair implication is, that they can do everything they are not forbidden to do," Henry concluded. (p. 205)

As the convention debate drew to a close, Henry and his fellow anti-federalists attempted to introduce amendments to the Constitution prior to ratification.

In a final attempt to postpone ratification, Henry gave a speech that would secure his legendary reputation as a speaker. Heaven, he proclaimed, was watching: “I see the awful immensity of the dangers with which it is pregnant.—I see it—I felt it.—I see *beings* of a higher order, anxious concerning our decision. When I ... see those intelligent beings which inhabit aetherial mansions, reviewing the political decisions and revolutions which in the progress of time will happen in America, and consequent happiness or misery of mankind—I am led to believe that much of the account on one side or the other, will depend on what we now decide.” As Henry spoke, a terrible storm rose outside the hall. Fierce winds and roaring thunder forced him to conclude his speech. For Henry’s biographer William Wirt, the “spirits whom he had called, seemed to have come at his bidding.” (p. 206–207)

Angels or not, Henry failed to stop ratification.

Henry took some comfort in the fact that the convention recommended forty amendments that essentially reflected the changes he had called for earlier. The first half of the amendments composed a declaration of rights, ... such as trial by jury, freedom of speech and religion, and bearing arms. Most important, the convention demanded a clause that stated “that each state in the Union shall respectively retain every power, jurisdiction and right, which is not by this constitution delegated” to the national government. This restriction, so fervently promoted by Henry, eventually took form in the Tenth Amendment. (p. 207)

Undeterred by the growing hostility toward him, Henry focused on keeping James Madison out of not just the Senate but also the House of Representatives, believing as he did that anti-federalists could not trust Madison to promote serious amendments to the Constitution. Among the most critical groups for Madison to win over were the Baptists. They were inclined to vote for [James] Monroe unless Madison could convince them that he would support a religious-freedom amendment as part of the Bill of Rights. Madison wrote to Baptist pastor George Eve in January 1789, assuring him that he now supported amending the Constitution. Madison was promising that he would promote amendments as soon as the Congress gathered in New York. Henry would not be pleased with the process, or with the content of the amendments. Nevertheless, he and the anti-federalists' relentless pressure against the Constitution would soon result in the Bill of Rights, where Americans find their most basic rights enshrined.<sup>3</sup> (pp. 210–11)

13. The Second Amendment allows citizens of the United States to defend themselves against all enemies foreign or domestic and against any individuals who would threaten their lives and safety within their homes or on their property.
14. Alteration or repeal of the Second Amendment would require three-fourths of the fifty states to approve, or 38 total, meaning only 13 states would be needed to prevent its passage.
15. What the Seventh Commandment prohibits is murder. A number of citizens have murdered innocent citizens lately. In all cases, if just one of the victims had been armed, the death toll would have been much smaller.
16. In verse 11, we have the words *moicheúō* “adultery” and *phoneúō* “murder.” Each has more than one application. The prohibition of adultery includes the mental aspect. One does not unconsciously commit adultery. A thought process precedes the act along with another’s compliance.
17. For overt adultery to occur it requires two people (sometimes three in a ménage à trois) to jointly come up with the idea, then organize the time and place for the tryst, and finally to commit the act.

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<sup>3</sup> Thomas S. Kidd, *Patrick Henry: First Among Patriots* (New York: Basic Books, 2011), 205–207, 210–211. [https://www.amazon.com/Patrick-Henry-First-Among-Patriots/dp/046500928X/ref=sr\\_1\\_1?s=books&ie=UTF8&qid=1523126358&sr=1-1&keywords=Patrick+Henry+by+Thomas+Kidd&dpID=51KTDcm5qpL&preST= SY291 BO1.204.203.200 QL4 0 &dpSrc=srch](https://www.amazon.com/Patrick-Henry-First-Among-Patriots/dp/046500928X/ref=sr_1_1?s=books&ie=UTF8&qid=1523126358&sr=1-1&keywords=Patrick+Henry+by+Thomas+Kidd&dpID=51KTDcm5qpL&preST= SY291 BO1.204.203.200 QL4 0 &dpSrc=srch)



18. The idea first emerges from a temptation by the sin nature's agent provocateurs. When positive volition allows it to enter the soul it becomes a mental-attitude sin.
19. Consideration is then given to the idea and the individual begins to consider who might be a target for the overt act. To do so requires another willing individual to join in the act. This involves conversation on the subject resulting in both parties committing verbal sins.
20. The decision to execute the plan requires discussion about where the act might take place adding to the verbal sins already committed. Ultimately, the overt act is, shall we say, consummated.
21. Some may contend that unless the overt act is achieved, then no sin has been committed, however, the Lord clearly disagrees:

**Matthew 5:27** "You have heard that it was said, 'Do not commit adultery' [ **Exodus 20:14** ].

**v. 28** "But I say to you that whoever looks at a woman to desire her has already committed adultery with her in his heart." (NET)

22. The next illustration James offers is also from the Ten Commandments, the prohibition against murder. This commandment was so ill translated in the King James Version that untold chaos has followed since its first edition was released in 1611. Here's how it reads:

**Exodus 20:13** Thou shalt not kill [ רָצַח ] (*rasah*): "to murder" ].

23. The Lord quoted this commandment from Moses in:

**Matthew 5:21** "You have heard that the ancients were told, 'You shall not commit murder' [ φονεύω (*phoneúō*): **Exodus 20:13** ], and 'Whoever commits murder shall be liable to the court [ the lower courts in Palestine ].'" (NASB)

24. There is a big difference between killing someone and murdering them. The definition of the verb "to kill" is:

**Kill: Cause the death of (a person, animal, or other living thing): her father was killed in a car crash.**<sup>4</sup>

25. The definition of "murder" is quite different:

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<sup>4</sup> *The New Oxford American Dictionary*, (2001), s.v. "kill."

**Murder: the unlawful premeditated killing of a human being by another.<sup>5</sup>**

26. More precisely, we consult a legal dictionary for a precise definition of the act:

**The unlawful killing of a human being by another with malice aforethought, either express or implied.**

**The crime committed where a person of sound mind and discretion kills any human creature in being and in the peace of the state or nation without any warrant, justification, or excuse in law with malice aforethought, express or implied, that is, with a deliberate purpose or a design or determination distinctly formed in the mind before the commission of the act, provide generally that death results from the injury inflicted.<sup>6</sup>**

27. That's the legalese of first-degree murder as defined by our legal system. The Lord informs us that He knows when murder is conjured in the soul of an individual and when it culminates in "malice aforethought":

**A predetermination to commit an act without legal justification or excuse. In the definition of "murder," malice aforethought exists where a person doing the act which causes death has an intention to cause death or grievous bodily harm to any person (whether that person is actually killed or not) or to commit any felony whatever, or has the knowledge that the act will probably cause the death of or grievous bodily harm to some person.<sup>7</sup>**

28. The English word "kill," in Exodus 20:13, has inspired many Progressives and pacifists to campaign against capital punishment, "assault weapons," warfare, and the Second Amendment in general.

**Amendment II. A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.**

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<sup>5</sup> Ibid., s.v. "murder."

<sup>6</sup> Henry Campbell Black, "Murder," in *Black's Law Dictionary* (St. Paul: West Publishing Co., 1968), 1170–71.

<sup>7</sup> Ibid., "Malice Aforethought," 1110.



**Matthew 5:22** “But I say to you that everyone who is angry [ ὀργίζω (*orgízō*): to be stirred to anger ] with his brother shall be guilty before the court [ κρίσις (*krisis*) lower courts<sup>8</sup> ]; and whoever says to his brother, ‘You good for nothing’ [ ῥακά (*rhaká*): numbskull ],’ shall be guilty before the supreme court [ Συνέδριον (*Sunédriōn*): Sanhedrin ]; and whoever says, ‘You fool’ [ μωρός (*mōrós*): moron ], shall be guilty enough to go into the fiery hell [ γέεννα (*géenna*): lake of fire ]. (NASB)

Fundamental for an understanding of the *géenna* passages in the New Testament is the sharp distinction made by the New Testament between ᾅδης and γέεννα. This distinction is a. that Hades receives the ungodly only for the intervening period between death and resurrection, whereas Gehenna is their place of punishment in the last judgment; the judgment of the former is thus provisional but the torment of the latter is eternal. It is then b. that the souls of the ungodly are outside the body in Hades, whereas in Gehenna both body and soul, reunited at the resurrection, are destroyed by eternal fire.

Γέεννα is pre-existent (Matthew 25:41). It is manifested as the fiery abyss only after the general resurrection and the last judgment. Those who fall victim to the divine judgment at the last day (Matthew 5:22).<sup>9</sup>

29. The context of the Lord’s first public address is before the large crowds (Matthew 4:25) and referred to as the Sermon on the Mount. His context is emphasis on the impossibility to keep all the commandments and He illustrates by mentioning two in Matthew 5:21–22.
30. In verse 21, He cites the overt commission of murder, but He expands on that by presenting mental attitude and oral sins that precede murder in verse 22.
31. The first sin in this sequence is *orgízō*: “angry,” the present middle participle means that an unbeliever’s soul is stirred to the mental attitude of anger.

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<sup>8</sup> “The smaller tribunals established in the cities of Palestine and subordinate to the Sanhedrin” (Spiros Zodhiates, ed., “κρίσις,” in *The Complete Word Study Dictionary: New Testament*, rev. ed. [Chattanooga: AMG Publishers, 1993], 890).

<sup>9</sup> Joachim Jeremias, “γέεννα,” in *Theological Dictionary of the New Testament*, ed. Gerhard Kittel, trans. and ed. Geoffrey W. Bromiley (Grand Rapids: Wm. B. Eerdmans Publishing Co., 1964), 1:658.





32. Such a mental attitude also brews up the sins of hatred, hostility, envy, and implacability that are motivations for oral and ultimately overt sins.
33. The Lord is addressing a progression here. A person may not commit overt murder, but there are mental attitudes and expressions that are sins and unquenched lead to the crime of murder.
34. Such a progression would cause the violator to appear before three systems of jurisprudence: (1) κρίσις (*krísis*) lower courts, (2) Συνέδριον (*Sunédrión*): the Sanhedrin, and (3) and γέεννα (*géenna*): Gehenna or the lake of fire.
35. From the Lord's examples, we are able to develop principles that provide insight into the variety of sins that various people are prone to commit:
  1. There are some sins that a person would never consider committing because it is not his area of strength. Conversely, there are some sins he would commit because it is in his area of weakness.
  2. Any violation of a biblical commandment is classified as a sin. The Law must be kept perfectly in order for a person to conclude that his performance will result in eternal life.
  3. This is the attitude that many Jews had which led to personal legalism. In fact, the scribes were a group of men who developed the Oral Law (the Talmud), a group whose function is important for us to consider because of their impact during the Incarnation.

**Scribes.** The existence of the law leads necessarily to a profession whose business is the study and knowledge of the law. At the time of Ezra [5th century B.C.] and probably for some time after, this was the chief business of the priests. It was chiefly in the interest of the priestly cult that the most important part of the Pentateuch was written. The priests were therefore also in the first instance the scholars and the guardians of the Law; but in the course of time this was changed. The more highly esteemed the Law became in the eyes of the people, the more its study and interpretation became a lifework by itself, and thus there developed a class of scholars who, though not priests, devoted themselves assiduously to the Law. These became known as the scribes, that is, the professional students of the law. During the Hellenistic period, the priests, especially those of the upper class, became tainted with the Hellenism of the age ... thus neglecting the Law of their fathers more or less and arousing the scribes to opposition.



Thus the scribes and not the priests were now the zealous defenders of the Law, and hence were the true teachers of the people. At the time of Christ, this distinction was complete. The scribes formed a solid profession which held undisputed sway over the thought of the people. In the New Testament they are usually called γραμματεῖς (*grammateís*), i.e. “students of the Scriptures.” Besides this general designation, we also find the specific word νομικοί (*nomikoí*), i.e. “students of the Law,” “lawyers” (Matthew 22:35).<sup>10</sup>

- 4, These scribes were considered to be the advanced theologians of the day. How they got this distinction is also important to understand and takes us back to the fifth-century B.C.

Sources and Scope of the Torah. In its written form, Torah (“teaching”) was considered to be especially present in the first five books of the Bible (the Pentateuch), which therefore came to be called Torah. In addition to this written Torah, or “Law,” there were also unwritten laws or customs and interpretations of them, carried down in an oral tradition over many generations, which acquired the status of oral Torah.

The Tálmut (“study” or “learning”) is the literary culmination of this oral tradition, which, according to the rabbis who created the Tálmut, originated at Mt. Sinai as part of the divine revelation vouchsafed to Moses, along with the material recorded in the Pentateuch. In its broadest sense, the Tálmut is a set of books consisting of the Míshna (“repeated study”) and the Gemára (“completion”). The Míshna is a collection of originally oral laws supplementing scriptural laws. The Gemára is a collection of commentaries on and elaborations of the Míshna, which in “the Tálmut” is reproduced in juxtaposition to the Gemára.

The oral tradition interpreted the written Torah, adapted its precepts to ever-changing political and social circumstances, and supplemented it with new legislation. Thus the oral tradition added a dynamic dimension to the written code, making it a self-regenerating, endless source of guidance, a perpetual process rather than a closed system.

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<sup>10</sup> Frank E. Hirsch, “Scribes,” in *The International Standard Bible Encyclopaedia*, gen. ed. James Orr (Grand Rapids: Wm. B. Eerdmans Publishing Co., 1956), 4:2704.

