



MISHNAS CHAYIM

משנת חיים

MISHNAH ON THE PARSHAH

פרשת אמור תשס"ט • Parshas Emor 5769

THE TENTH MAN

YEhareig or Ya'avor

One of the basic operating principles of mitzvah observance is that preservation of life is paramount. A classic scenario involves a *meshugenner* (sanity-challenged individual) who threatens a Jew at gunpoint to violate a Shabbos prohibition. The ruling in almost all such cases is יַעֲבוֹר וְאֵל יִהְרֶג “Let him transgress and not be killed” (*Sanhedrin 74a*).

There is a factor, though, which will change the equation: namely, פְּרִיהֶסִיָּא – *in public*. If there is an audience viewing the proceedings, the Name of Hashem may potentially be desecrated. The ruling in such an instance is יַהְרֵג וְאֵל יַעֲבוֹר “He should be killed and *not* transgress.” Instead of a public desecration of Hashem’s Name, this Jew – by making the ultimate sacrifice – becomes the agent of *kiddush Hashem* (*ibid.*).

What type of witnesses determine פְּרִיהֶסִיָּא? Based on a *passuk* in this week’s *parshah*, וְנִקְדַּשְׁתִּי בְּתוֹךְ בְּנֵי יִשְׂרָאֵל “And I will be sanctified amongst B’nei Yisrael” (*Vayikra 22:32*), the Gemara understands that there must be ten onlookers, and they must be Jews (“B’nei Yisrael”). If these requirements are not met – say, nine Jews or ten non-Jews – the situation is not deemed to be one of פְּרִיהֶסִיָּא, and the threatened individual need not sacrifice his life.

At this point, the Gemara (*ibid. 74b*) introduces R’ Yirmiyah, who poses a most intriguing question.

THE DILEMMA OF R’ YIRMIYAH’S DILEMMA

R’ Yirmiyah wondered: what would be in a case where there were *nine Jewish* onlookers and *one gentile*? Would this satisfy the requirement of פְּרִיהֶסִיָּא, which necessitates an act of public

sacrifice, or need the quorum be composed entirely of ten full-fledged Jews?

At first glance, R’ Yirmiyah’s query seems quite perplexing, especially in light of other situations that require a ten-man congregation. Some of these are listed in the Mishnah in Megillah (4:3):

אֵין עוֹבְרִין לְפָנֵי הַתְּבָה... וְאֵין קוֹרִין בְּתוֹרָה, וְאֵין מִפְּטִירִין בְּנִבְיָא... וְאֵין מְזַמְּנִין בְּשֵׁם, פְּחוֹת מֵעֲשָׂרָה.

“In order to engage in communal prayer... or communal Torah or *Haftarah* reading... or to include Hashem’s Name in the *zimun* blessing (which precedes the *bentching*), at least ten men must participate.”

It is clear that the quorum in these endeavors must be composed entirely of Jews; even President Obama wouldn’t be counted as part of a *minyan* for *Minchah*. Why, then, should *kiddush Hashem* be any different? Why here would R’ Yirmiyah entertain the possibility that a non-Jew could be the *tzenter* (tenth man to complete a *minyan*)?

In true Jewish fashion, these issues may be resolved by introducing yet another query on this subject, in which the comparison to the other *minyan*-related *halachos* is expanded.

The *Minchas Chinuch* (296:10) makes the following observation: In some of the scenarios listed in the Mishnah above, the individual himself is included in the tally of ten. Take *tefillah b’tzibbur* (communal prayer), for example: the required quorum of ten can include the *chazzan* (the one leading the services). In other words, the single *chazzan* plus nine others make the *minyan*; there is no need for a full ten listeners *aside* from the *chazzan*.

And so the *Minchas Chinuch* wonders: how should we consider the פְּרִיהֶסִיָּא requirement as it relates to *kiddush Hashem*? Is the threatened one himself

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considered part of the ten-man quorum, or must there be ten "bystanders" viewing the situation *aside* from the targeted individual?

HOLD ON TO YOUR HEAD

With a stroke of brilliant Talmudic logic, R' Shimon Moshe Diskin (*Masas Hamelech al Hatorah, Vayikra, ibid.*) demonstrates how the issue raised by the *Minchas Chinuch* sheds new light on R' Yirmiyah's perspective. To do so, R' Diskin draws a distinction between two (superficially) similar entities, each of which possesses a requirement for "ten": "*tzibbur*" (congregation), which is the hallmark of *davening* with a *minyan*, and פְּרִהֶסְיָא (public spectacle), the defining characteristic of the mitzvah of *kiddush Hashem* (presumably).

The issues raised above can be understood in light of these two categories. The *Minchas Chinuch* dealt with the issue of *inclusion*: can the "protagonist" be counted as *one* of the ten (for a grand total of *ten*), or does the situation at hand require ten others *aside* from "the protagonist" (for an actual total of *eleven*)? This would seem to depend on the exact category under consideration. When the subject is *tzibbur* – as with *davening* – then the *chazzan* himself may be included. After all, he, too, is part of the *tzibbur*. When we talk of פְּרִהֶסְיָא, on the other hand, there is a need for a (full) public to be *viewing* the event. When a Jew is being forced to violate a prohibition, he is part of the event itself – part of the spectacle. There must be ten spectators *aside* from him.

The question of a gentile participating in the quorum may be explained in similar fashion. When – as in *davening* – there is a requirement for a *tzibbur*, a gentile would have to be counted out; only Jews are members of "the congregation." פְּרִהֶסְיָא, though, would be another matter altogether. Here, the notion of desecration (G-d forbid) or sanctification of Hashem's Name is a product of a public event; the *yichus* (lineage) of the spectators would not make a difference. As long as people are watching, the situation is considered to be in public view.



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R' Yirmiyah's angle can be understood in light of the above. R' Diskin explains that R' Yirmiyah was of the opinion that *kiddush Hashem* actually contains *both* elements: a *tzibbur* requirement, as well as a פְּרִהֶסְיָא component. Consequently, nine Jews plus one gentile should be the perfect formula to obligate this individual to accept martyrdom.

As noted, a non-Jew cannot be included as part of a *tzibbur*; in R' Yirmiyah's scenario, however, this should not pose a problem. As we are relating to the *tzibbur* aspect, the threatened individual himself – who is Jewish – can be included, in the same manner as the *chazzan* is counted during *davening*. When we consider the פְּרִהֶסְיָא component – in which this individual *cannot* be included (as he is part of the spectacle itself) – we can rely on the gentile to complete the total of ten spectators in the "audience."