

# Parsha Ponders

Emor | May 4, 2023 | 14 Iyar 5783

## Quarrelsome quorum quandaries<sup>1</sup>

ולא תחללו את-שם קדשי ונקדשתי בתוך בני ישראל אני יקוק מקדשכם

Do not profane My Holy Name, and I will be sanctified amongst the Children of Israel; I am Hashem Who sanctifies you<sup>2</sup>

A fundamental principle in Judaism is that declarations of holiness need a quorum<sup>3</sup>. In other words, *kaddish*, *kedusha*, Torah reading, the Kohanic blessings, and the like, all require ten adult male Jews be present. The idea is that when we sanctify Hashem's name, it needs to be done in a public fashion, with a minimum of ten men. How do we know this? A rather ironic source.

The Babylonian Talmud derives<sup>4</sup> this using a form of hermeneutical exegesis called a "*gezeiras shava*"<sup>5</sup>. When similar words appear in different contexts, that gives the Sages license to learn laws from one context to the other. The word תוך, amongst, appears in the context of sanctifying Hashem's name. The word תוך also appears in the context of the rebellion of Korach, who made a terrible desecration of Hashem's name. Hashem told Moshe: "Distance yourself from **amongst** this wicked assembly"<sup>6</sup>. Since in that context "amongst" is referring to an assembly of people, and we know from elsewhere<sup>7</sup> that the minimum number of people in an assembly is ten Jews, we derive that to sanctify Hashem's name we need ten Jews. This is ironic because these spies created a terrible desecration of Hashem's name, and it is from them that we derive how to sanctify Hashem's name.

Now, due to this problem<sup>8</sup>, the Jerusalem Talmud<sup>9</sup> has a difference source for the requirement of a quorum. When Yaakov's family ran out of food during a terrible famine, he sent ten of his sons to Egypt to get food. The verse there says: "The Children of Israel went to collect food **amongst** the comers"<sup>10</sup>. The problem, however, with this approach is that the verse also mentions "the comers" to Egypt. They were not Jews, but Egyptians and Canaanites. Still, the Yerushalmi saw fit to learn from there that ten

<sup>1</sup> Based on Chasam Sofer Al HaTorah to Leviticus 22:32

<sup>2</sup> Leviticus loc. cit.

<sup>3</sup> *Inter alia*, Megillah 4:3; Mishneh Torah Hilchos Tefillah 8:6; Shulchan Aruch Orach Chaim 55:1, 69:1

<sup>4</sup> Megillah 23b; see also Berachos 21b with Dikdukei Sofrim

<sup>5</sup> See Toras Kohanim Introduction, Baraisa D'Rabbi Yishmael § 2, with Korbon Aharon

<sup>6</sup> Ibid 16:21

<sup>7</sup> Ibid 14:27, meaning there were ten wicked spies who slandered the land of Israel (also ironic)

<sup>8</sup> The Chasam Sofer brings this suggestion in the name of the רב"י. The former's great-grandson Rav Yosef Naftali Stern points out that in Chasam Sofer Al HaTorah to Genesis 42:5 and in Chiddushei Chasam Sofer to Pesachim 7b s.v. וכתוב, the Chasam Sofer writes that the *Yerushalmi's* derivation is brought by the Tur Orach Chaim. The Tur was authored by Rav Yaakov ben Asher, and perhaps this is the intent behind רב"י. However, Rav Stern there points out that this doesn't appear anywhere in the Tur. In fact, it is Rabbeinu Bachaye to Leviticus loc. cit. who brings such an idea from a Rav Yaakov. Perhaps the Chasam Sofer understood this to be referring to the Tur. The Gilyon HaShas to the *Yerushalmi* (cited below) says this comment of Rav Yaakov doesn't appear anywhere. The editor of the Mossad HaRav Kook edition of Rabbeinu Bachaye § 26 suggests it's referring to Rav Yaakov of Orleans, but he admits he also couldn't find it. Cf. Torah Temimah to Leviticus loc. cit. § 197, who suggests the *Yerushalmi* is bothered that the *Bavli's* derivation requires two steps, תוך תוך and עדה עדה, whereas the *Yerushalmi's* only needs one

<sup>9</sup> Yerushalmi Berachos 7:3. Bereishis Rabbah 91:3 says similarly (and somewhat brings the *Bavli*; see Yefeh Toar ad. loc.). See also Yerushalmi Megillah 4:4 and Yerushalmi Sanhedrin 1:4

<sup>10</sup> Genesis loc. cit.

Jewish men are required for sanctifying Hashem's name<sup>11</sup>. This source lacks the issue of Korach's rebellion being a desecration of Hashem's name.

Now, we have a principle that all the *gezeira shavas* were given to Moshe at Sinai. The way it was given over is that the words connecting the different contexts were given, but not their exact locations<sup>12</sup>. It is up to the Sages to figure out which contexts to connect using this list of words. That means that Moshe was told that the word "amongst" in the Torah is to be used to connect two different contexts to learn new laws.

This leads to an interesting hypothetical analysis. At Mount Sinai, Korach and his band hadn't yet started their rebellion. They still had free will, and it could have been that they wouldn't have desecrated Hashem's name. What then would the source of a quorum be? It couldn't be, "distance yourself from **amongst** this wicked assembly", as we have it. Seemingly it would have been a different, more positive verse. Perhaps: "cleave yourself amongst this righteous assembly", or the like. If so, there's no reason to reject the derivation of a quorum from Korach. In this alternate reality, it could be a very fitting source for sanctifying G-d's name. There would be no need to learn from the sons of Yaakov. In fact, the verse from Korach resolves the issue of the other verse, which requires us to ignore the Egyptians and Canaanites which are mentioned.

According to this, we have a new way to read our verse from this week's *parsha*. "Do not profane My Holy Name". That is, if Korach and his assembly don't commit a terrible desecrating of G-d's name, then: "I will be sanctified amongst the Children of Israel". Meaning, we can then learn the source for sanctifying Hashem's name with a quorum from "the Children of Israel". I.e., the source from Korach and ten Jews, and not the source of "the comers" to Egypt. Namely, the Egyptians and Canaanites.

Good Shabbos

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<sup>11</sup> The Chasam Sofer goes with this, although the *Yerushalmi* immediately rejects this derivation, since there are many times that the word תוך appears, and some of them are referring to more than ten. It instead derives this law from the fact that both verses say the words בני ישראל

<sup>12</sup> Halichos Olam 4:2:16 (by the 15<sup>th</sup> century Rav Yeshuah ben Yosef), brought by Yefeh Toar *loc. cit.*, quoting Hasagos HaRamban to Sefer HaMitzvos Shores § 2. This is also brought by Sefer Kerisus 1:2:5 (by the 13<sup>th</sup> century Rav Shimshon of Chinon). They say that sometimes we have a tradition as to which words to learn from, but not the location. This explains how there can be disagreements as to which verses to use (as seen here regarding תוך, as pointed out by the Yefeh Toar). Other times we have a tradition as to which *parshiyos* to learn from, but not the exact word that connects the two (see Kesubos 38a for an example). The Ramban suggests that this lack of clarity is part of the Torah that was lost when Moshe died (Temurah 16b). This is also the opinion of the Chavos Yair § 192. However, the Halichos Olam makes it sound like this is exactly how it was transmitted at Sinai, and is how the Chasam Sofer quotes it. In my opinion the Chasam Sofer's upcoming analysis proves that this approach is more reasonable. Since *gezeira shava's* exist for verses that occur after Mount Sinai, how could Moshe have received them? Cf. Neizer HaKodesh to Bereishis Rabbah *loc. cit.*, who says that the reason why there's a disagreement which verses of תוך תוך to learn from is because it's all an *asmachta* anyways. Meaning, this is not a real *gezeira shava*, and it's really just a tradition from Sinai that ten Jewish men are needed to make a quorum. According to him then, the Chasam Sofer's presentation doesn't get started