

Bais HaVaad on the Parsha, Parshas Shlach

Lost Count

June 27, 2024

Excerpted and adapted from a *shiur* by Rabbi Yaakov Rappaport

https://baishavaad.org/wp-content/uploads/2024/06/BAM71_04_Shelach_Who_is_an_Apikores-1.mp3

But the men who had ascended with him said, "We cannot ascend to that people, for it is too strong for us."

Bemidbar 13:31

The Shulchan Aruch (O.C. 55:11) says that a sinner may be counted in a minyan, unless he has been placed in *nidui* (excommunication). But the Pri Megadim says that since the Shulchan Aruch (Y.D. 2) rules that a *mechaleil* Shabbos *befarhesya* (one who violates Shabbos in public) is disqualified from performing shechitah because he has the status of a non-Jew, he likewise cannot be counted in a minyan.

R' Moshe Feinstein (Igros Moshe O.C. 2:19) disagrees with the Pri Megadim. He explains that the Gemara (Megillah 23a) derives the requirement of ten men for a minyan from the spies. R' Moshe notes that Rashi, citing the Gemara in Sotah 35a, understands the words of the *meraglim*, "*ki chazak hu mimenu*," to mean that they thought Bnei Yisrael could not conquer the nations dwelling in Kna'an not because "they are stronger than us," but because "they are stronger than *Him*"—*chas milehazkir*—as the word *mimenu* sustains both meanings. For this reason, the *meraglim* had the status of *minim* (heretics), which the Rambam defines as people who do not believe in Hashem or in His omnipotence. R' Moshe argues that if the *meraglim* serve as the source for having ten men for a minyan, then clearly *minim* are included, and so is a *mechaleil* Shabbos *befarhesya*.

The Chazon Ish holds that today's Shabbos violators do not have the status of non-Jews for a different reason: Because they were not raised in a religious environment, they have the status of *tinokos shenishbu* (Jews taken captive as children; Shabbos 69b) and are treated as bona fide Jews. But the Chafetz Chaim says that *lashon hara* about any Jews who do not keep mitzvos is not prohibited, which implies that he disagrees with the Chazon Ish.